

establishment of a national bureau of health—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Michigan State Millers' Association, relating to an act to regulate commerce, and suggesting amendments to the same—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Lucas & Co. and Eugene K. Plumly, of Philadelphia, Pa., for the improvement of Trinity River to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, pamphlet of the Illinois River Valley Association, urging suitable action for the development of an adequate waterway between Lake Michigan at Chicago and the Mississippi River at or near St. Louis, Mo.—to the Committee on Rivers and Harbors.

Also, petition of Retail Merchants' Association of Illinois; also petition of John Jamison, of Philadelphia, Pa., in relation to the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of H. K. Mulford Company, of Philadelphia, and A. C. Hopkins, of Lockhaven, Pa., relating to the manufacture and distribution of blackleg vaccine by the Government—to the Committee on Agriculture.

By Mr. MCPHERSON: Petitions of John Doebla and citizens of Minden; H. P. Petersen and others, of Exira; Nellie Reedy and others, of Calhoun; E. Furst and others, of Massena; A. Trabert and others, of Stanton, and J. W. Corley and others, of Corley, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. MERCER: Petition of International Brotherhood of Electrical Workers, in opposition to the passage of Senate bill No. 3009 and House bill No. 8924—to the Committee on the District of Columbia.

By Mr. POWERS: Petition of the Christian Endeavor Union of Bennington, Vt., favoring House bill No. 5457, to abolish the Army canteen—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of the Woman's Christian Temperance Union of Rock Falls, Ill., for the suppression of the liquor traffic, and urging other reforms in our new possessions—to the Committee on Insular Affairs.

Also, petitions of posts at Fulton, Williamsfield, Albany, and Morrison, Grand Army of the Republic, Department of Illinois, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. PUGH: Papers to accompany House bill No. 6919, granting an increase of pension to John Blanchard—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: Petition of citizens of Tilden, Nebr., in favor of House bill No. 3717, to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are imported—to the Committee on Agriculture.

By Mr. STARK: Papers to accompany House bill No. 7812, granting a pension to Lydia Strang, of Osceola, Nebr.—to the Committee on Pensions.

By Mr. SULLOWAY: Petition of D. C. Bragdon and 18 citizens of Temple, N. H., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Ways and Means.

Also, resolutions of Westley B. Knight Post, of Derry; Sampson Post, Rochester, and Captain Joseph Freschel Post, Department of New Hampshire, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the New Hampshire Board of Trade, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New Hampshire Board of Trade, indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Papers in support of House bill for the relief of Catharine Adams—to the Committee on Invalid Pensions.

By Mr. VREELAND: Resolutions of Cottage Grange, of Cottage, N. Y., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the First Presbyterian Church, First Methodist Episcopal Church, Baptist Church, and Woman's Christian Temperance Union, all of Dunkirk, N. Y., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of Chautauqua Pomona Grange, of Jamestown, N. Y., against the sale of intoxicating liquors in the Philippines—to the Committee on Insular Affairs.

SENATE.

TUESDAY, April 3, 1900.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. WELLINGTON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1475) to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming.

The message also announced that the House had passed with amendments the following bills:

A bill (S. 255) to ratify an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho, and making appropriations to carry the same into effect; and

A bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and the officers thereof, and the disposition of pending causes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5140) to confirm title to lot 1, square 1113, in Washington, D. C.;

A bill (H. R. 7479) for the relief of John A. Narjes, of Washington, D. C.; and

A bill (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 739) for the relief of the estate of George W. Lawrence;

A bill (H. R. 8126) to establish light and fog signals at Browns Point, in Puget Sound; and

A bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Trades Assembly of Utica, N. Y., and a petition of Local Union No. 125, Cigar Makers' International Union, of Norwich, N. Y., praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation to admit the products of Puerto Rico free of duty, etc.; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Manhattan, N. Y., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New York County Medical Association, praying for the employment of women nurses in the hospitals of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of the Baptist Church of Dunkirk, N. Y., and a petition of the Chautauqua Pomona Grange, Patrons of Husbandry, of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

He also presented a petition of Bethlehem Grange, No. 187, Patrons of Husbandry, of Bethlehem, N. Y., praying for the enactment of legislation relative to the transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Power City Lodge, No. 316, International Association of Machinists, of Niagara Falls, N. Y., praying for an increase in the salary of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

Mr. PRITCHARD presented a petition of the Southern Manufacturing Club, of Charlotte, N. C., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

Mr. NELSON presented a memorial of sundry business men of Austin, Minn., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a memorial of sundry business men of Austin, Minn., remonstrating against the enactment of legislation looking to the consolidation of second and third class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CARTER presented a petition of sundry citizens of Montana, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. THURSTON presented a petition of sundry citizens of Nebraska, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the League of Fourth-Class Postmasters of Sherman County, Nebr., praying for the enactment of legislation to increase the salaries of fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Pasadena, Cal.; of the Woman's Christian Temperance Union of California; the congregation of the Westminster Presbyterian Church, of San Francisco, Cal.; of H. F. Dexter and sundry other ministers of Alameda, Cal.; of David Starr Jordan and sundry other members of the Leland Stanford University, of California; of Thomas F. Day and sundry other members of the Presbyterian Theological Seminary of Northern California; of Warren F. Day and sundry other Congregational ministers of Los Angeles, Cal.; of Frank I. Wheat and sundry other members of the Presbyterian Ministerial Union of San Francisco, Cal.; of Benjamin Ide Wheeler and sundry other members of the State University of California; of sundry citizens of Oakland, Cal., and of sundry citizens of New York, praying for the enactment of legislation for the more rapid civilization of the Indians; which were referred to the Committee on Indian Affairs.

Mr. FRYE presented a memorial of the Woman's Christian Temperance Union of Lebanon, Me., remonstrating against the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

He also presented a petition of Company C, Second Regiment Infantry, National State Guard of Maine, and a petition of Company B, Second Regiment Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented the memorial of Frederick C. Hicke and 37 other citizens of Columbia, Mo., remonstrating against the imposition of a customs tariff between the United States and Puerto Rico; which was ordered to lie on the table.

AGRICULTURAL STATISTICS.

Mr. KYLE. I ask to have printed as a document for the use of the Senate some facts and figures relating to the production of cereals in the Southern States, and also a statement from the Secretary of Agriculture in regard to the production, consumption, and exportation of raw cotton and manufactured cotton goods in the United States and in foreign countries. It is a matter of interest to the Industrial Commission and to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the printing of a document sent to the table, containing certain agricultural statistics compiled by the Secretary of Agriculture. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 36) granting an increase of pension to Emma G. Sargent, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1283) for the relief of the estates of Daniel Woodson and of Ely Moore, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment proposing to appropriate \$8,000 to provide a suitable place for the reception and detention of children under 16 years of age and (in the discretion of the Commissioners) of girls and women over 16 years of age, arrested on charge of violating any law in force in the District of Columbia, or otherwise held pending investigation or examination, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. LINDSAY introduced a bill (S. 3953) for the relief of W. G. Dunn, administrator of Cooper Dunn, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3954) granting an increase of pension to Caroline D. Repetti; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3955) granting a pension to Elizabeth J. Jones; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3956) to correct the military record of Demon S. Decker; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced a bill (S. 3957) to establish a court of probate and divorce for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3958) for the relief of John G. Young;

A bill (by request) (S. 3959) for the relief of Elizabeth T. Flowers and Sarah E. Bridges; and

A bill (by request) (S. 3960) for the relief of Nancy Smith.

Mr. PRITCHARD introduced a bill (S. 3961) to correct the military record of Montraville Ray; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WELLINGTON introduced a bill (S. 3962) to provide for the purchase of a site and for the erection of a public building at the city of Westminster, Carroll County, State of Maryland; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced a bill (S. 3963) to remove the charge of desertion from the military record of William F. Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3964) for the relief of Robert Lay, administrator of Nancy Lay, deceased (with accompanying papers);

A bill (S. 3965) for the relief of W. L. Lyle, administrator of John E. Pearson, deceased (with accompanying papers);

A bill (S. 3966) for the relief of Smith Summers, administrator of John Waters, deceased (with accompanying papers);

A bill (S. 3967) for the relief of the estate of Mary M. Steed, deceased;

A bill (S. 3968) for the relief of the estate of Augustus Strong, deceased;

A bill (S. 3969) for the relief of the estate of Mrs. Nancy Eddins, deceased;

A bill (S. 3970) for the relief of the estate of John R. Powers, deceased;

A bill (S. 3971) for the relief of Samuel S. Coon;

A bill (S. 3972) for the relief of the estate of William Clement, deceased;

A bill (S. 3973) for the relief of the estate of Mary Oliver, deceased;

A bill (S. 3974) for the relief of the estate of Charles Denia, deceased;

A bill (S. 3975) for the relief of the estate of John Crawford, deceased;

A bill (S. 3976) for the relief of the estate of William F. Strather, deceased;

A bill (S. 3977) for the relief of the estate of William Redden, deceased;

A bill (S. 3978) for the relief of the estate of Alex. Russell, deceased; and

A bill (S. 3979) for the relief of Ann E. Saddler.

Mr. WARREN introduced a bill (S. 3980) granting an increase of pension to John A. Lynch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3981) granting a pension to Josephine T. Horner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 3982) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862; which was read twice by its title, and referred to the Committee on Mines and Mining.

FLOATING LOOSE TIMBER, RAFTS, ETC., ON CERTAIN RIVERS.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams; which was referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate \$40,000 for the collection and disposal of ashes in the city of Washington, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO PUERTO RICAN BILL.

Mr. LINDSAY. Some days since I offered an amendment to House bill 8245. Since that time the framework of the bill has been so changed that I desire to change the character of the amendment, and I will now offer it, to lie upon the table.

The PRESIDENT pro tempore. The amendment will lie on the table without being printed.

Mr. LINDSAY. I ask that it be read.

The amendment was read, as follows:

Strike out all of section 3. Also strike out all of section 2 down to the words "foreign countries," in line 15, and insert:

"SEC. 2. That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Porto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897."

Also strike out all of section 2 after the word "notwithstanding," in line 18, and insert:

"And on and after the passage of this act trade between the customs collection district hereby established for the island of Porto Rico and the customs collection districts of the United States now in existence, or which may hereafter be established, shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed."

Mr. BACON. I present an amendment to be proposed at the proper time to House bill 8245. I ask that it be read for information, as there will be no opportunity to have it printed.

The amendment was read, and ordered to lie on the table, as follows:

Amendment to be proposed by Mr. BACON to H. R. 8245.

SEC. —. Each of the officers, legislative, executive, and judicial, authorized by this act shall, before entering upon the discharge of his duties, take an oath to support the Constitution of the United States.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5149) to confirm title to lot 1, square 1113, in Washington, D. C.;

A bill (H. R. 7479) for the relief of John A. Narjes, of Washington, D. C.;

A bill (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes.

GOVERNMENT FOR PORTO RICO.

Mr. FORAKER. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate proceed to the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. MASON. Mr. President, I will say at the outset that I have no objection to any interruption any Senator desires to make. I only hope that I may be able to finish within time, so that others who desire to speak this afternoon may have that opportunity. It is justice to myself to say that I did not give notice of the time for speaking until after all those who had asked for time, as I understood it, had been satisfied.

Mr. President, "with malice toward none, with charity for all," and asking only for myself the same liberty of thought and speech which I yield to you, I shall speak to-day in favor of the resolution offered by the senior Senator of Maryland [Mr. WELLINGTON], which offers ultimate independence to the Philippine Islands, and against the resolution offered by the junior Senator from Indiana and the senior Senator from Wisconsin, both of which resolutions are opposed to independence in the Philippine Islands, and as a legitimate part of that discussion I shall speak in opposition to the bill proposing a tariff between Porto Rico and the rest of the United States.

For more than a year I have waited, withholding remarks on the Philippine question and hoping against hope that something might happen that would relieve us from our terrible situation in the Philippine Islands. For more than a year I have been de-

nounced by the ignorant as a traitor to my party and my country, simply because I have had convictions and have not hesitated to state them.

I can not hope for much better treatment to-morrow than I had a year and two months ago. I do not expect in the same quarter to be even credited with acting from a sense of duty. I do not expect to escape that class of men who would assassinate character to make more sure official salary and make more easy the pickings from the pot of patronage.

I do, however, indulge in the hope that in view of the present situation some of my friends and constituents who have failed to see before will see now why I am opposed to the annexation and permanent government of the Philippine Islands. I am opposed to it, first, because under the law of nations we have not title and never can have complete title except by conquest of the inhabitants. I am opposed, and will show by the decisions of the Supreme Court of the United States that we have no power to make a war of conquest, and that by the law of nations we can not perfect our title of sovereignty without the consent of the people—the inhabitants of the island.

When Lincoln and Douglas were in their great debate, Douglas, in the heat and excitement of debate, asked Lincoln if he wanted a black woman for a wife. Lincoln arose and, without addressing the chairman, flashed back the famous answer, "I do not wish her for my wife, neither do I wish her for my slave." So, as I said before to you a year ago, I do not wish the 9,000,000 Filipinos for citizens; I do not wish them for slaves. If we govern them, they must either be citizen or serf. Whether they labor as our citizens and equals before the law or whether they labor as our political slaves, their labor competes with the labor of our country, and I am opposed to that.

I am for expansion. I do not even contend that in taking territory we are bound by latitude and longitude. I voted for the annexation of Hawaii, but would never have sent 65,000 men there to compel them to accept our flag. In other words, I am against taking any territory by conquest against a friendly people, and against taking any territory that brings a cheap class of labor in free and open competition with the class of men and women who do the labor in this country.

It needs no discussion nor legal quibbles to state what the Supreme Court has decided if we become sovereign in the Philippine Islands. You can not protect the labor of this country against the inhabitants there, any more than you can put a tariff between there and Washington or between California and New York, unless you get the Supreme Court to change its former ruling or amend the Constitution of the United States.

Many people are of this opinion now who were not of this opinion a year ago. Many of the papers, laboring men, and statesmen who six months ago were shouting so loud for expansion, with a string to it, are willing now to let go of the string and say a kind word to the men they called traitors a few months since, and even from the grand old Commonwealth of Connecticut, that drank so deep from the inspiring spring of expansion, her Senators, who spoke so eloquently "of government by consent of some of the governed," now speak of expansion in a more mellow tone and notify us that they are still willing to do God's service and carry out our high destiny if it does not interfere with the Connecticut wrapper.

One word to the Senators who have told us in this Chamber what the Republican policy is. The convention has not yet convened. Our party is to meet in the city where it was born. It was born out of the inspiration of freedom and the equality before the law. Who dare here and now speak for the delegates? Who dare here and now say we will declare in favor of conquest? Who dare here and now say that we are in favor of annexing the Philippine Islands and making 9,000,000 citizens or serfs out of the inhabitants?

Who dare here and now say that the Republican party in Philadelphia will declare in favor of violating the constitutional provision "that all duties and imposts must be uniform?" Who dare write down in advance, here and now, that the party of Lincoln will declare in its convention that some men are good enough to govern others without their consent? And right here let me ask the two Senators who have spoken on this subject and who have talked about the flag and patriotism—let me ask them who gave them a monopoly on patriotism?

How dare you discredit the patriotism of a man who disagrees with you about the best way to proceed for this country? Have you formed a trust on patriotism, and have the junior Senators from Massachusetts and Indiana been elected to the board of that trust? If we had taken the advice of the senior Senators of Massachusetts and Maine we would not be in the terrible situation we are in to-day.

When I spoke here from my place for independence for Cuba and answered the charges of the press from Germany that we were seeking territory, I said that the American people did not want to make a market for their goods at the point of a bayonet, and that

we never wanted to put our beautiful flag above the people of Cuba or the weakest island of the sea without the consent of the people. The people and the press approve that sentiment, but cursed it when it was applied to the Philippine Islands.

I do not question the patriotism or the motives of the gentlemen who disagree with me, but I protest against anyone charging me with the lack of patriotism. I honor every soldier who fights under the flag, as much in Manila as in Santiago; there is no aid or comfort that I have refused them with my voice or vote. They are obeying orders. I honor them for it. But I never was in favor of the order that sent our Army out to destroy the lives and homes of the men who had been our friends. I allow no man to question my love for the flag.

My ancestors fought to set it in the sky, and my elder brothers fought to keep it there. The public schools that are protected by the flag gave to me and are giving to my children the opportunities of life. There is no sacrifice I would not make for it, and I resent as cowardly and dishonest any reflection as to my love for that flag simply because I want it to be right and never put by force over an unhappy and an unwilling people. If to repeat the language of Lincoln when he says that "No man is good enough to govern any other without his consent" is treason, then I am guilty.

If opposing a war of conquest, a war of conquest made without the sanction of Congress, which is the constitutional power, is treason, then I am guilty. If the desire to stop the enormous burden of taxation to carry on this war is treason, then I am guilty. If to wish for other struggling people the blessings of self-government that our fathers fought for is treason, then I am guilty. If it is treason to seek to protect the laboring men and women of this country from competition of the degraded labor in the Philippine Islands, then I am guilty. If to make an honorable settlement with the people in the Philippine Islands is treason, then I am guilty. The ships are coming back loaded with our boys—sick, insane, hundreds of them dead. If it is treason to want to stop that, then I am guilty.

For one hundred years as a republic we have outstripped the world under the republican form of government. We have stood by the Declaration of Independence. We have kept close to the people by a representative form of government. If a wish to avoid the mistakes of England, France, and Spain is treason, then I am guilty. I may be guilty of treason to the empire, but if I know my own heart I am loyal to the Republic.

Mr. President, I have not time now to answer the argument of the learned junior Senator from Massachusetts [Mr. LODGE] to the effect that the retention of the Philippine Islands is the same as the expansion we have before indulged in when we took Louisiana, California, Florida, and Alaska, but only say in passing that we never before the Philippine war attempted conquest, and never before Porto Rico have we attempted to put a tariff between different parts of the United States.

Mr. President, I desire now, as briefly as I can consistently with my duty, to explain why I am opposed to the permanent annexation of the Philippines from the point of view of sound political action. I am a Republican of that school of Republicanism that believes in a protective tariff. I believe, and think I can satisfy you, that when the Congress begins to legislate for the Philippine Islands it is limited in its power by the Constitution of the United States.

There is no doubt about the power of Congress to legislate for the territory, organized or unorganized, but the instrument that gives us the power to legislate limits our power of legislation. We are, as legislators, creatures of the Constitution. We have no power that is not given us by the Constitution. To say that we may violate the letter and spirit of the Constitution in matters of legislation is to say that the creature is greater than the creator.

I do not say that in matters of legislation we may not pass rules, regulations, or laws which are not specifically mentioned in the Constitution, but I do say that under the decisions of the Supreme Court of the United States we have no power to pass a law here in violation of the restrictions laid down in our Constitution. Applying this law to Porto Rico, I say, first, that when the treaty between Spain and the United States was ratified and the people accepted us as sovereign, Porto Rico became a part of the United States of America in the manner which I shall designate or read from the Supreme Court decisions.

Second. That until it is organized, as we propose to do with Hawaii, we have the power in Congress to make laws and to govern the people there; that that power to govern did not need any treaty agreement with Spain. That is, Spain could neither add to nor detract from the powers of this Congress to legislate for the Territories.

Third. We can not make an unconstitutional law there. If the law goes there, who makes it? We do. Whether the Constitution is in Porto Rico or not, under our oaths of office the Constitution is here.

Fourth. The Constitution of the United States provides that "all duties, imposts and excises must be uniform throughout the

United States." It will be observed that this limitation of power is a part of the very sentence which provides that Congress may levy duties, imposts, etc.

This limitation is not even separated by a period from the grant of power to us. The limitation does not apply to taxes, but the word "taxes" is omitted in the limitation, and it is provided that Representatives and direct taxes shall be apportioned among the several States; so while it might be possible to have a different plan of taxation in Porto Rico and Alaska, yet when the Government goes into the realm of collecting impost duties, those duties must be uniform throughout the United States.

If Porto Rico is not a part of the United States, we ought to cover her with the protecting arm of the Monroe doctrine and let her people fix their own schedule and we protect ourselves with the regular tariff or treaties of reciprocity. If Porto Rico is a part of the United States, as I believe the Supreme Court of the United States has decided it is, then we have no more right to put an impost duty between Porto Rico and the United States than we have to put a duty between Washington and New York.

I desire one moment now as to whether we can make unconstitutional laws for the Territories—a startling proposition that we have heard in this Chamber within the past twenty-four hours—that is, a law which fixes a duty which is not uniform throughout the United States. It is not necessary for the purposes of this proposition to say that the Constitution extends itself by its own vigor into annexed territory; but I do say that when we attempt to govern by laws made here, the laws must be constitutional statutes. It may be—and, as I said before, it is not necessary to discuss that here—that the annexation of territory does not bind the United States to protect every inhabitant from having his life or property taken without due process of law; but when we attempt to legislate how life and property may be taken, we are bound by the directions and limitations of the Constitution.

It may be possible that in legislating for that Territory we can fix the qualifications of electors, but we can not pass a law on that subject that will stand the test of the Supreme Court if we should apply the test of color or previous condition of servitude. It may be that we could provide a plan to levy taxes upon the people there; but when we attempt to levy import duties—that is, a tax upon imported goods, and that is the duty I, as a Republican, am interested in; that is the duty that protects the labor of this country—and when you attempt to levy an impost duty, the Constitution says all impost duties must be uniform. We are bound by the Constitution, which says that they shall be uniform, and when we take any government anywhere it is a legislative government that is beyond the Union of the States, but it must be a constitutional legislative government.

You may draw your finespun theories as to whether the Constitution follows the flag, or whether the Constitution expands by its own force and vigor and extends into all newly acquired territory, but this fact remains undisputed, that when you attempt to govern, the Constitution goes with the government, and when you attempt to pass a specific law, that statute carries with it the life and power given by the Constitution, and also the limitation fixed by that same great instrument.

I call your attention, briefly, to the case of *Loughborough vs. Blake* (5 Wheaton), and I will be just as brief as I can on that. The distinguished Senator from Wisconsin [Mr. SPOONER] admitted the force of the argument; he said it was the law. Of course he questioned it somewhat, and he said that some of it was obiter; that it was outside of the pending issues.

The opinion is written by Chief Justice Marshall. This ought to be authority enough. It may be claimed by some that some parts of that great opinion are obiter dictum—that some of that opinion was not called for by issues joined. But the fact remains that Congress had passed a law levying a direct tax, and under the Constitution apportioned it between the States, Territories, and District of Columbia. It was claimed by those who opposed the tax that the Constitution provided that the tax should be apportioned between the States that were in the Union and that the District of Columbia and the Territories were not subject to the taxation.

The case, though briefly stated, you will observe involved the whole power of taxation, and the further important question, so far as this discussion is concerned, it involved the territorial limits within which Congress could levy the tax, and I think after a careful reading of the case you will not find ten words by Chief Justice Marshall which were not wholly applicable to a full discussion to the then pending case. I quote from Chief Justice Marshall. He cites the eighth section of the first article, which gives us, the Congress, the power to collect duties, to pay debts, and provide for the common defense, etc., and then uses this language:

This grant is general—

What grant? The grant to levy import duties or taxes—

without limitation as to place; it consequently extends to all places over which the Government extends.

Remember that I am not contending that the Constitution follows the flag in the same way some gentlemen contend for, but I say that while we can legislate for the Territories, we must legislate as if for a State, at least to this extent, that there shall be no direct violation of the limitations of the Constitution. Chief Justice Marshall says this power to tax extends to what? To every place where the Government extends. Is not our Government extending to Porto Rico? Is this not a bill to give the people of that island a civil government?

It will be observed that the grant extends not only to States, Territories, and districts, but it extends, according to Chief Justice Marshall, to "all places over which the Government extends." I read further:

It this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "But all duties, imposts and excises shall be uniform throughout the United States."

It will be observed that Chief Justice Marshall used the words to "modify the grant of power," and within four lines of that he again speaks of these words "modifying" the grant.

Some writers speak of it as a limitation upon the grant. It means the same thing. The modifying or limitation of the grant is a part of the grant itself. We get our right and power to legislate from this grant; and when we write a law for the people of the United States, whether in State, district, or Territory, we carry with that statute the law of the United States. If we find a man in Porto Rico whose life or property is about to be taken from him without due process of law, our first legislation on that subject must tender to him his constitutional rights. I am not, for the purposes of destroying this bill, arguing that the Constitution by its own vigor extends into the district, but I am insisting that you can not carry a statute enacted by the Congress of the United States, in the language of Chief Justice Marshall, any place under God's sun without carrying with it the limitations of this great charter—the Constitution. If he is debarred from citizenship by reason of race, color, or condition of servitude, we must tender back to him his citizenship.

If he is a slave, we must unbind him hand and foot; and if we would tax him by way of impost duties, they must be uniform. The senior Senator from Colorado [Mr. TELLER] the other day, in the course of a running debate here when he was asked whether a man could be hanged without due process of law, answered that they did do it once in a while; but of course the Senator knows that does not answer the question, and it is hardly a fair begging of the question. It is not a question whether you can hang a man without due process of law, but it is a question whether you can pass a bill by the United States Congress that will stand the test of the Supreme Court revision that it carries with it the inherent force and right to take a man's life without due process of law.

Mr. TELLER. Will the Senator yield to me for a moment?

Mr. MASON. Yes, sir.

Mr. TELLER. The Senator must have misunderstood my statement, Mr. President.

Mr. MASON. Then I withdraw it.

Mr. TELLER. I made no statement of the kind the Senator has suggested. I said, independent of any constitution, in a free government no man could be convicted and executed without a trial. That is all I said on that point. I said whatever the Constitution said or did not say did not determine that question, which is an underlying principle of a free people and a free government.

Mr. MASON. And I say, in answer to that, that this Congress has no power that is not delegated by the States, and that the reports of the Supreme Court from the days of Marshall to the days of Fuller are full of opinions to that effect written, and not contradicted, either in majority or minority opinions. Even in the Dred Scott case, where there was a difference of opinion about the extension of slavery into the Territories, both the majority and the minority opinions said no law could be passed by Congress which exceeded the power granted by the Constitution or which went beyond the limitations of the Constitution.

We took the oath at this desk to support this Constitution. As I had occasion to remark the other day, there seems to be a rule against mentioning that document more than once after you are elected a United States Senator. You swear to support it; but if you ever dare mention it again, you are called either a crank or a traitor. It is the very sun of our political existence. It gives life and power to this legislative body. State legislatures, while reserving power for its own government, surrendered their power to make any law conflicting with its provisions. The executive life depends upon it, and the great judiciary system, by its consent, holds the life, property, and destiny of the people in its hands. It gives power to the Government, yet protects the governed. It empowers majorities and protects minorities. The weakest citizen who seeks life and the pursuit of happiness is safe.

And among other provisions that it has within its sacred lines, which we swear to support and protect, it says when you levy an impost duty, that duty which the fathers were afraid of, that duty which they went to war about, that duty which invited the

Boston tea party—it says when you levy that sort of a duty you must make it uniform throughout the United States. You ask me here to-day to vote for one rate of duty between here and Cuba and another rate of duty between here and Porto Rico, but I have sworn to support this instrument, and therefore I can not cast such a vote.

Here is the language of Chief Justice Marshall. He is defining what "the United States" means when it is mentioned. That was at the time not very far from the hour of its birth, when they had a fair conception of what "the United States" meant. The Chief Justice says:

It is the name of our great Republic, which is composed of States and Territories. The District of Columbia and the Territories west of the Missouri—

This was written in 1820, as I remember it.

And the Territories west of the Missouri—

An unoccupied empire, almost unexplored, unknown; yet Chief Justice Marshall said:

The Territories west of the Missouri are not less within the United States than Pennsylvania or Maryland; and it is not less necessary—

Notwithstanding the opinion of the learned senior Senator from Wisconsin, Chief Justice Marshall says:

It is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts and duties should be observed in the one than in the other.

The Senator says that that is the law, and yet he votes for a 15 per cent duty between Porto Rico and the United States and a 100 per cent duty between the United States and the rest of the world.

Mr. President, I had intended to discuss briefly the question of a treaty, the ability and the power of a treaty of the United States; but there seems to be a general consensus of opinion here that a treaty can rank no higher than an act of Congress; that we can get no power from a treaty that will violate the Constitution of the United States. Let me read you what Cooley says upon that subject:

The Constitution never yields to treaty or enactment. It neither changes with time, nor does it, in theory, bend to the force of circumstances. It may be amended according to its own permission; but while it stands it is "a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances." Its principles can not therefore be set aside in order to meet the supposed necessities of great crises. "No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government."

"A treaty can not bind the United States to do what their Constitution forbids them to do," Tucker says.

Again a line from Cooley. Speaking of treaties, he says:

It is subject to the implied restriction that nothing can be done under it which changes the Constitution.

Justice Story says, "It," a treaty, "must be considered in subordination of" the Constitution. It is claimed that we have the double power to legislate as a Congress of the nation and in the Territories to legislate as if we were the legislature of the State. True; but can the State legislature pass an unconstitutional act? Can a State levy an impost duty? Certainly not. Congress may make rules and laws to govern Territories, but when it levies an impost duty it does it as the Congress. That power was delegated to us as the Congress. If we levy the duty as State or Territorial lawmakers, under our Supreme Court decision it would be void. If we levy it as the Congress, it must be uniform.

I know there is a class of cases decided by the Supreme Court that permits the legislature of one State to regulate a certain class of business from other States. In the Paul and Virginia case, cited from 8 Wallace, the State of Virginia compelled by statute a deposit by insurance companies before licensing the companies to do business. It was contended that it was a violation of the Constitution, which gives to the citizen of each State equal privileges, etc., and that it conflicted with another clause in the Constitution, which declares that the Constitution shall regulate commerce with foreign nations and among the States. The Supreme Court held that the statute required the deposit and did not conflict with either clause of the Constitution for the reason that the issuing of an insurance policy was not commerce.

In the case of the *Ferry Company vs. Pennsylvania* (114 U. S.), which has been cited, was where the Ferry Company corporation of New Jersey ran a ferry from Gloucester to Philadelphia. Its business was pure interstate commerce. The State of Pennsylvania attempted by statute to place a tax upon its capital stock. The supreme court of Pennsylvania sustained it. The Supreme Court of the United States reversed it and set aside the tax on the ground that it was void, using this language as to the State:

However great her power to legislate on her part, she can not impose a tax on that portion of interstate commerce which is involved in transportation of persons and freight, whatever be the instrumentality by which it is carried.

I fail to see the reason for citing this case, for if it settles anything at all it settles this: That as a matter of law the Congress is just as impotent when legislating for a Territory to interfere with

interstate commerce as it is to levy impost duties without uniformity while legislating as the Congress. If the present proposition—15 per cent duties between Porto Rico and the rest of the United States—is to be considered as a regulation of interstate commerce as contemplated by the Constitution, then it must fail under the case cited. And if it is an impost duty, it fails for want of uniformity.

I have been waiting to hear from some of the distinguished lawyers on this floor to cite one case which even hints at a possibility of the Congress making an impost-duty law and not be bound by the limitation which says it must be uniform or that in any way suggests the possibility that we may exercise the grant of power as to impost taxation in violation of the limitation of that power simply because we have power to legislate for the territory. I beg to be pardoned if I repeat my proposition. I am not at this time insisting that the Constitution goes with the flag. It is sufficient for the purposes of this case to say that when we enter the realm of Territorial legislation and proceed to the enactment of a law levying impost duties we are limited by the power delegated by the Constitution, and I am confident no such statute can stand which is in violation of the affirmative prohibition of the Constitution, which says, "but all such duties must be uniform," etc.

Mr. President, I ask, in the name of common sense, if the practice of a century of this Government is not a fair interpretation of law. I challenge anyone to show where, in all these territorial expansions, from the Louisiana purchase to Alaska, there has ever been an attempt of the lawmakers of the United States to levy an impost duty between the United States and the newly acquired territory. It is true that when we acquired California, while we were in military possession, we levied, through the military arm of the Government, different rates from the statutory rates then in force, but they were levied against aliens and strangers. There was no duty between California and the United States when we were in military possession or after the signing of the treaty. It was the settled practice of the Government to follow in its departments the plain ruling of the Constitution. Let me read you the order of Mr. Buchanan when he was Secretary of State under Mr. Polk. I am not insisting that precedent makes law or that practice makes law. If it did, God help the future laws that are to be passed in this country and if this is to establish a precedent to pass laws which lack uniformity, because we are making laws for territory under our flag. Mr. Buchanan said when he instructed, I think it was, Colonel Mason, the military commander in California:

This de facto government will, of course, exercise no power inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the land. For this reason no import duties can be levied in California on articles the growth, produce, or manufacture of the United States, as no such duties can be imposed in any other part of our Union on the productions of California, nor can new duties be charged in California upon such foreign productions as have already paid duties in any of our ports of entry, for the obvious reason that California is within the territory of the United States.

I propose to show you that the Supreme Court, as a matter of law, sustained that ruling of the Secretary of State; and if the present Administration desires to give free trade or protection while he is yet Executive under the military arm of the Government, the power is there, the principle is established; the habit of the Government was made under Polk when he was President, and the Supreme Court of the United States said it was the proper construction of the constitutional power.

We read the message for free trade. We shook hands on it around here and said, "That is right; that is right; Porto Rico surrendered without a struggle; her people are our people, and her God is our God." We said, "Twice three is six" louder and louder, until there came a whisper from some other place, "Wait a moment; perhaps twice three is seven; let us hold a caucus." [Laughter.] I am not wedded to mathematics. I might not hesitate to join my party in saying "Twice three is seven" if it involved no abandonment of my oath of office; but what assurance would I have in shouting "Twice three is seven" to-day if tomorrow some other kind of snuff would be taken, and the sneezers along the line might say, "We have have got back to the doctrine that twice three is six?" [Laughter.]

"Plain duty." We congratulated ourselves. All of us said, "Oh, yes; plain duty." How happy we were to rush into print to the effect that we were with the Administration—"plain duty." Yet the whispering came along the line that we did not want to make it too plain; that there might be 15 per cent trimming on the plain duty—scallop and embroidery, 15 per cent.

I have called attention to the California case, where the Supreme Court said we had a right to levy a duty against all comers under the military arm of the Government. The Supreme Court sustained the ruling. The moment the treaty of peace was signed the Supreme Court said the laws of the United States, so far as impost duties are concerned, must be uniform and extend to the newly acquired territory.

Mr. President, I called attention to the opinion of Chief Justice

Marshall to the effect that the Constitution extends to every place where the Government extends; and in support of this proposition I present the case of the Capital Traction Company vs. Hoff. This opinion was written by Chief Justice Gray.

I will say to my colleagues that I have selected with some care, out of sixty cases, these leading cases, where the majority opinion was written by leading constitutional lawyers upon the bench, as I will show you before I finish.

This case is known as the Capital Traction Company case, where that company attempted to avoid a case being tried by a jury. The Supreme Court held that the Congress of the United States would have power from the Constitution to exercise exclusive legislation in all cases whatsoever, but that power is limited by the constitutional limitation. That is the language.

In the case of *McAllister vs. The United States*, *McAllister* was appointed by President Arthur, by and with the advice and consent of the Senate. His commission empowered him for four years. The Supreme Court in the case cited held that it was a court created "in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States." But the court held that although the judge of that court was appointed by the President, by and with the advice and consent of the Senate, yet the court was not such a court "in which the judicial power conferred by the Constitution on the Federal Government could be deposited."

They were incapable of receiving it, as the tenure of the incumbent was but for four years. Neither were they organized by Congress under the Constitution, as they were invested with powers and jurisdiction which that body were incapable of conferring upon a court within the limits of a State.

Justice Harlan, in making this decision, quotes from *The Mormon Church vs. United States* (136 U. S., page 1):

Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments.

I have quoted many cases in which Mr. Justice Harlan concurred. I quote that as one of the cases in which he wrote the opinion himself.

Before I call attention to the next case, I repeat again that no justice of the Supreme Court in writing the majority or minority opinion has ever even hinted at the possibility of the Congress making a law, under the grant of the Constitution, in violation of the grant itself.

In the case of *Romney vs. United States* (136 U. S., page 1) it was held that Congress had full power to direct the winding up the affairs of the Church of Jesus Christ of Latter-Day Saints as a defunct corporation.

A careful reading of the opinion of a majority, and also the opinion of the minority, which included Chief Justice Fuller and Mr. Justice Field and Mr. Justice Lamar, shows that in the opinion of the court Congress is limited by the limitations of the Constitution. "The legislative power of Congress is delegate and not inherent, and is therefore limited." The minority opinion does not disagree with the majority opinion. Chief Justice Fuller and Justice Field and Justice Lamar agree in their dissenting opinion, so far as my present contention is concerned; and both assenting and dissenting opinions agree with the proposition I make, that Congress in making laws is bound by the limitations of the Constitution.

This new doctrine, that we as the Congress have the same inherent power—that is, the power of any government or any monarchy—is a false doctrine, as I shall show by every opinion of the Supreme Court that I shall present to you. We have inherent powers, but they are limited by the constitutional limitations which gave us the original grant of power. The doctrine that we can do what any other government can do is absurd. England can create titles of nobility; we can not. Russia can take life without due process of law; we can not. As the Supreme Court says again and again, the power of legislation is a delegated power and not an inherent power.

Mind you, Mr. President, I say that even in every written opinion where there is a minority they emphasize the doctrine that when any legislation is made here, whether it was for Utah before it was a State or Illinois after it was a State, we have no power to make a law that conflicts with the terms of the Constitution.

I call attention again to the statement of Justice Matthews to the effect that Congress is subject to the restrictions expressed in the Constitution, the unanimous opinion of the court at a time when Waite was Chief Justice and when Miller, Field, Bradley, Harlan, Woods, Gray, and Blatchford were his associates. And again I challenge any lawyer here to deny my proposition. I do not insist that the Constitution is in Porto Rico. I believe it is. It is not necessary for this argument to insist upon it.

I do insist, under the decisions I have cited, that whether the Constitution is there or not, I know it is here and that we can make no law beyond its limitations.

I have repeated it three or four times, and am likely to again.

I am anxious that my colleagues shall understand my position. I should like to be fairly represented once, at least among my own associates and by my constituents.

I call attention to Chief Justice Taney's opinion in the Dred Scott case. It is so familiar that it is hardly worth while to read it. Many of you remember its almost every word at the time it was written, but I call your attention to this fact, that no opinion of the Supreme Court before or since the Dred Scott decision has ever suggested the possibility of Congress making a law for a Territory, organized or unorganized, where it is not bound and restricted by the limitations of the Constitution.

Gentlemen have called attention to the fact that in our first great Republican platform we denied the doctrine that the Constitution extended to the Territories. The slave owners contended that it did; that they might take their slaves with them to the Territories. The wish was father to the thought. The abolitionists, the school in which I was brought up, contended it did not. The wish was father to the thought. I can remember the time very well. My father disputed with the pulpit and quarreled with his church. He was an abolitionist. He would have parted with his bread before he would have parted with his idea of liberty; and if one of the Ten Commandments had said, "Thereshall be slaves," he would have torn out that commandment and struggled along with nine. That is not the question under discussion here. The gentlemen who seek for new theories and doctrine of the Constitution should not attempt to excite the passion and the prejudice of partisanship by talking about slavery.

You must amend the Constitution to levy this tariff and pass this bill, or you must get the Supreme Court of the United States to stultify itself and reverse its decisions. You must take the opinion of Chief Justice Marshall and all the writers upon the bench and off the bench who have followed it since 1820 and strike out the word "not" wherever it occurs, and say that the Constitution shall not regulate, abridge, or restrain the powers of Congress, simply because that power is to be extended over a Territory and not over States.

Do you think that the fever of imperial expansion has so overtaken the people that we will abandon the doctrine of American protection that we may put the flag over an unwilling and an unhappy people; or do you dream that the Supreme Court is so tainted with partisanship that it will descend from its upper atmosphere of a pure jurisprudence to carry out the dictates of a party caucus?

Oh, Mr. President, if you look in either direction for such relief, I fear you will reckon without your host. If I know the courts and if I know the people, the doctrine of protection is forever fixed in the hearts of the people. And the judicial determination is irrevocable and the legislative power of Congress is given and limited by the Constitution of the United States.

I can understand why gentlemen upon the other side of the Chamber are for free trade with Porto Rico. They are for free trade everywhere. They have not the least idea of the almost divine doctrine of protection that has made this country great; but I am a partisan and a protectionist. We have said, from one ocean to the other ocean, that no American and no man under the flag should shove a jack plane or drive a nail or make a boot or shoe in equal competition with the cheap, underpaid labor of any country in the world; and so I want to protect the people against 9,000,000 underpaid laborers in the Philippine Islands. I stand here to-day to say, if the people in Porto Rico are not our people, give us what my cigar makers in Chicago want—100 per cent of the Dingley rate—and I will vote for it; but if they are our people, turn back to the sheet anchor, which says when you go into the field of impost duties that the fathers fought against they must be uniform and fall equally and justly upon all citizens alike.

I do not say that you can not change the decisions of the court by changing the Constitution. We changed the Constitution in order to meet the opinion in the Dred Scott case. You know how much it cost. A nation never makes a mistake and then receives vicarious atonement. I do not care what your religious faith is, the mistakes of a nation receive no vicarious forgiveness. We said this was "the land of the free and the home of the brave" for a hundred years, and sold women and children to the highest bidder for cash. It was not the fault of one part of the country. It was our fault. We settled. We tore down the slave pen and the whipping post, but we did not have materials enough to make headboards for our graves. But they went first to the arbitrament of war and then to the people of the States, and we amended the Constitution, which says that you shall have no slave in any place. That is what Chief Justice Marshall says—you shall levy no duties in any place that are not uniform as provided by the Constitution.

The people of this country and of my State are not willing to put the cigar makers and the laborers of the country in competition with 9,000,000 of Filipinos, that we may flaunt ourselves like a bully before the world and say we have reduced the producers and laborers of our country to an equality with the Japanese,

Tagalos, and Chinese in Asia; that we may boast that our flag floats over more land this year than it did last.

Let no Senator say to me that I speak and vote this simply because I differed with you in this war of conquest in the Philippine Islands.

More than fourteen months ago I gave you notice on this floor. I tried to be as considerate then as I hope I am considerate now. I begged you for liberty and humanity's sake, and then I begged you for the sake of a protective tariff that has lifted the labor of this country above the labor of any country of the world. While I plead for liberty in the Philippines, I told you that I cared more for the dignity of labor here. It can be put in few words.

You must abandon the permanent ownership and annexation and the permanent government of the Philippine Islands, or you must abandon the doctrine of protection unless you can amend your Constitution or reverse the decisions of the Supreme Court.

I have shown you that this pioneer case says that any Territory is as much the United States as Maryland or Pennsylvania. It also says that the constitutional power and constitutional limitation "extends to all places over which this Government extends." Following it I have shown you unanimous opinions written by Taney, Waite, Fuller, Curtis, Miller, Bradley, Harlan, Matthews, and Gray. I challenge anyone within or without this body to show a change by any decision of the Supreme Court. These great jurists construe the Constitution exactly as it reads—"but all imposts, duties, etc., shall be uniform."

I question neither the judgment nor honesty of any of my colleagues, and, with the plain reading of the Constitution interpreted by our great court, in opinions written by eight or ten of the leading jurists from the days of Marshall to the days of Fuller, I shall permit no one to question my sincerity when I say that under my oath as a United States Senator I can not vote for an impost duty that is not uniform. I can not say to Europe, that is wholly foreign and alien, "You may deliver the product of your labor here upon the payment of 100 per cent of the present duty," and then say to the Porto Rican, "You are 85 per cent American and 15 per cent alien, and you must pay your pro rata share of an impost duty."

This is the land of the free and the home of the brave—85 per cent free and 15 per cent brave. There is no such thing as an 85 per cent annexation. The people of Porto Rico are either our people 100 per cent or they are 100 per cent not our people. Her God is our God 100 per cent or nothing. If she is not our people, let her pay the Dingley rates; and if she is our people, she must pay nothing to trade with us.

Mr. President, I intended at this time to discuss the fair, ethical question whether even if we had the power we ought to break our agreement. The distinguished Senator from Vermont [Mr. PROCTOR] has covered that matter fully, and I will skip at least a large share that I intended to present upon that branch of the case.

I merely call attention to the fact—and I ask Senators here before they vote to remember—where we were when we made this promise to the Porto Ricans. Read again the promise of General Miles. His promise was our promise. Even if he did not have the power to make it, we ratified it in the pulpit, in the press, and on the rostrum, and 70,000,000 said the word of Miles shall be kept.

I insert here the message of the President of the United States in regard to your plain duty:

"PLAIN DUTY" TO PORTO RICO.

[From President McKinley's message to Congress.]

Since the cession, Porto Rico has been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports.

She has, therefore, lost her free intercourse with Spain and Cuba, without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this one of her chief products. The markets of the United States should be opened up to her products. Our plain duty is to abolish all customs tariffs between the United States and Porto Rico and give her products free access to our markets.

"UNDER ONE FLAG."

Our flag does not mean one thing here and another thing in Cuba or Porto Rico.—President McKinley to 20,000 Methodists at Ocean Grove on August 25, 1899.

How dare you, Republican Senators, violate the instructions of the leader of your party when he calls upon you to do your plain duty? The leader of the Republican party, which does not especially interest the distinguished Senator from Colorado [Mr. TELLER] at this moment—

Mr. TELLER. I wish the Senator from Illinois would name the leader.

Mr. MASON. The President of the United States. I am surprised that you gentlemen, professing to be Republicans, should vote for a duty against Porto Rico with his directions staring you in the face that it is your plain duty to vote for free trade. How dare you break away and become insurgents?

Mr. GALLINGER. The Senator from Illinois invited interruption, and I am going to interrupt him just to this extent, to ask whether or not he knows what the attitude of the President is in reference to the passage of this bill; and, furthermore, to inquire if it is worse for other Republican Senators to differ with the President on this question than it is for him to differ with the President in reference to the matter of the Philippine Islands?

Mr. MASON. I thought I was indulging in a beautiful spurt of sarcasm. It seems the distinguished Senator from New Hampshire has taken it for real. [Laughter.] Oh, no; the Senator knows me too well.

Mr. TILLMAN. The Senator from Illinois will have to label his wit.

Mr. MASON. My joke went by freight. I expect that every Senator, when he swears to support the Constitution, has a right to use some of the gray matter that God Almighty put into the upper end of his anatomy for thinking purposes. I only hope if you are insurgents to-day that you may not be denounced as traitors, from ocean to ocean, because you dared to stand up and vote on the question with the best light that God has given you. I hope you will be protected from that assault, if you indulge in a little independence, free speech, and Americanism.

Mr. GALLINGER. If the Senator will permit me, I would not in any way detract from the humorous quality of his speech or ask any question that might indicate that I did not appreciate his jokes. We all appreciate the jokes of the Senator from Illinois. The Senator has arraigned the Republican party for abandoning the policy of protection in this legislation. I want to call the attention of the Senator to the fact that there is one Senator who did not abandon that policy, and if he will kindly at some time read the dissenting views that I submitted on this bill, he will find that I have always stood by the policy of protection.

Mr. MASON. Yes, I know that. I remember the history of the distinguished Senator very well when we were colleagues in the House of Representatives. If I ever had the doctrine of protection ground into me, body and soul, it was when the distinguished gentleman made an argument in the House of Representatives that cleared the atmosphere and made me so much an American that I have never since worn a piece of imported cloth, and I do not smoke imported cigars unless some Democrat buys them for me. He made me the best protectionist in the world, and I practice what I preach. If a hundred per cent protects the people of Illinois against the cigar makers of Cuba, 15 per cent will not protect them against the cigar makers of Porto Rico. I am for the tariff, 100 per cent, American Dingley tariff as against aliens and strangers, and an open hand and plain duty to the people under our flag.

I also insert here, with the consent of my colleagues, quotations from the Secretary of War, ex-Speaker Reed, Senator DAVIS, General Miles, the opinion of ex-President Harrison, and ex-Senator Edmunds:

THE SECRETARY OF WAR'S VIEWS.

The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Porto Rico so gladly transferred their allegiance to the United States. We should treat the interests of this people as our own. I wish most strongly to urge that the customs duties between Porto Rico and the United States be removed.—*Secretary of War Root in his annual report.*

SENATOR HOAR.

A duty on exports is forbidden by the Constitution, and the proposed duty of 15 per cent on goods from the United States and Porto Rico would be a violation of that prohibition.—*Senator George Frisbie Hoar.*

EX-SPEAKER REED.

The attempt to make three-quarter citizens out of the Porto Ricans is certainly original.—*Ex-Speaker Reed.*

SENATOR DAVIS.

What is the reason that this tariff rate, anomalous, unheard of, unprecedented, and temporary, should be applied to Porto Rico, while the other day a bill was passed in the other House appropriating \$2,000,000 for Porto Rico from the Treasury?—*Senator Cushman K. Davis.*

GENERAL MILES'S PROMISE TO PORTO RICO.

Porto Rico under the American flag will enjoy the same privileges and the same immunities as the citizens of the United States and Territories of the Union.—*From General Miles's proclamation on invading the island.*

OPINION OF EX-PRESIDENT HARRISON.

I regard the bill (the Porto Rican tariff) as a most serious departure from the right principles.

EX-SENATOR EDMUNDS SPEAKS.

I believe that the Porto Rican tariff bill is clearly unconstitutional and violates all our agreements with and pledges to the Porto Ricans. If I were in the Senate I should certainly vote against it.—*Ex-Senator Edmunds.*

Of course no one contends that the bill is uniform. Therefore it is not necessary to show its lack of uniformity. If I, as an American citizen, want a box of cigars from Cuba, say I pay \$2; from Porto Rico, 30 cents. It is not uniform as applied to us. No one claims that it is.

Section 3 provides that all merchandise coming into the United States from Porto Rico and going into Porto Rico from the United States shall pay 15 per cent of the present rate. I had intended to reply to a little of the sophistry of the distinguished senior Sen-

ator from Kentucky [Mr. LINDSAY], in which he said that because Porto Rico is territory on this continent you can not make a discriminating duty. When it comes to the Philippine Islands you can make another kind of duty. There is some spot in the Atlantic or Pacific Ocean somewhere where ethics and morals change and constitutional construction moves backward and forward, as you move the hands of a clock.

There is but one way in my judgment, and it is the best judgment I have, to keep safely in power the party which represents these two great principles—equal and fair money, one kind of money, and the party that brings good wages and prosperity to this country. I have a right to my opinion, and I have a right to express it. Whether wisely or unwisely, we have completed our title to Porto Rico the same as to Hawaii. We got title from the sovereign; we got the consent of the people, and if it were necessary we could say we went by conquest. There is no blot or stain upon the title. It is not so in the Philippine Islands. You have not even got possession of your property. You bought it from Spain and paid \$20,000,000 in gold, and promised to pay more than that much more to pay the Spanish debt to American citizens. You never even sent your money C. O. D. She took the money and you have not got your real estate.

It is an elementary principle of international law that you can not complete the title without the consent of the people. It must be done by conquest. I am not discussing that question. But the title is not yet complete.

Disguise it as we may, those that are not in open arms against us are in sympathy with those who are in open arms against us. Lincoln was not above consulting and hearing the plans and propositions of peace commissioners when our own brothers were in rebellion against their own sovereign. We must not be above listening to and considering the proposition of the weakest people in the world, and our general is the only man in history, at least in our history, who has refused to receive communications and report them through his superiors to the war-making power of the United States.

This body is a part of the war-making power of the United States. This body has no information as to what they are willing to do. We can end the war in forty-eight hours by not insisting upon our demand for absolute and perpetual sovereignty and promising to give them, ultimately, independence as soon as they are ready to satisfy this Government that life and property are safe.

Under such arrangement commercial treaties could be made that would not destroy the doctrine of protection; agreements for naval and coaling stations could be had; the doctrine of protection could be pledged anew to those who toil upon this continent, and the fact that the pledges of prosperity have been kept would retain in power the party that stands for uniform currency and good wages.

What can we say to the laboring men if this revenue tariff goes through, even though the Supreme Court should sustain it? They are not for this bill.

The petitions that I have presented in this forum from the laboring men of Illinois have asked for a hundred per cent Dingley rate. I have presented resolutions from all sorts of clubs, social and political, asking for absolute free trade. No one organization from my State has appealed for this compromise with protection, this 15 per cent duty. Tell me it is to be a precedent, about which I can talk to the workmen of my State! Oh, no. I do not want any tariff-for-revenue precedent for the people in Illinois. I want the old straight up and down orthodox 100 per cent protection if they are aliens. My people want it if they are aliens. If they are not aliens and not strangers, the people there are fair enough to ask for unrestrained commerce between us all.

Gentlemen upon the other side who speak for them will point to the revenue tariff against Porto Rico and the fixed and unchangeable rule of the Supreme Court of the United States, which prohibits us from putting up a tariff between us and other people of whom we are sovereign. Porto Rico is small, her people are few, she is near our shore, and in less than six months it will probably be developed that she helps us as a customer more than she hurts us a competitor. Not so with the Philippine Islands. She has millions of people. I am told—I do not vouch for the figures—that there are 80,000 cigar makers in the archipelago.

If we complete our title of sovereignty by a successful war of conquest, whether they are voters or not, whether they have representation or not, we will tax them and govern them, and there is no way under our form of government to govern them and tax them and at the same time keep either them or their goods out of this country. No one denies this, and there are mighty few men belonging to the organized labor of this country but who understand it just as well as we do.

I call your attention to the fact that two years ago the labor men of this country, in their national convention, almost without a dissenting voice, representing the great organizations from ocean to ocean and from the Lakes to the Gulf, in their national

convention in Kansas City, gave notice to the men who seek power that they must not annex the Philippine Islands and put their labor in competition with ours.

We have to go and frankly and honestly abandon the doctrine of assimilation. Assimilation means equalization. If you put two pieces of iron together, one hot and one cold, they do not both get hot and they do not both get cold, but they assimilate. The hot one gets a little colder and the cold one gets a little hotter; and when you put the cigar makers of Illinois in competition with 80,000 in the Philippine Islands, the doctrine of assimilation means equalization. Our wages, under our doctrine, will not stay up and theirs will not stay down, but ours will go down halfway to meet them as they ascend the scale.

Then we are told, though, that if we should by any honorable treaty even talk with the men who are in arms against us, as Lincoln did, we would abandon our American manhood; that we would lose prestige for our Army and Navy by listening to the voice of the little brown people in the archipelago and consult with them about what kind of gunpowder or bullets they prefer to be killed with. "What," they say, "humiliate my country of 70,000,000 brave people by consulting and seeking to do justice by a few million struggling people, almost without clothes and certainly without the need of many clothes!" God pity the man whose heart is so shaped that he would feel a national humiliation in doing justice to the weak and poor little brown man. God help the man who indulges in what Gladstone calls "false shame." What is the object of government, Mr. President? Is it the happiness of the governed that we seek, or is it that we may strut from continent to continent with the gewgaws and jingling bells of royalty and say: "See how much land we cover and how many people are unhappy and unwilling subjects to this flag?"

We have an open door to China. Claim what you like for it, the war on the Filipinos did not open the door, and before we ever put foot in the Orient, twelve months before, we had more orders for American goods and the products of American farms than we had ships to carry them in.

You want to find a market for the surplus of your shops, your farms. Give us some legislation that will build the merchant marine of the country. We do not care anything about the glory and the glitter of governing 9,000,000 people without their consent.

I quote from the junior Senator from Indiana [Mr. BEVERIDGE]:

The issue joined in this debate—

The Senator is not in the Chamber. I think no one appreciates more than I his intense interest in this matter, his patriotism, and his ardor and his earnestness.

Mr. GALLINGER. He is absent from the city.

Mr. MASON. I say this of a man for whom I have great respect as a lawyer and a Senator. He says:

The issue joined in this debate involves the power of Congress over the islands and the peoples which Providence has placed in our keeping, and, therefore, the expediency of retaining them. It involves the power and progress of the Republic throughout all its future. For if Congress has not a free hand to deal with these islands as their different conditions and changing needs demand, it is not only inexpedient but it may be impossible to hold them. To treat Porto Rico as we treat Hawaii, and to deal with the latter as we deal with the Philippines, and to apply to all without delay the same fixed formula of laws which custom and the intention of statehood has prescribed for our Territories, from which our States are formed, is a proposition as mad as it is novel.

I agree with the junior Senator from Indiana. It is decidedly inexpedient to hold them as subjects and we as sovereigns, because we can not have what he is pleased to call a "free hand" in the government of those people. "Free hand" to deal with these islands? Oh, no, sir; Congress has no free hand. There are scores of laws you can not pass. If dealing with civil or religious liberty, the "free hand" strikes the immovable wall of the Constitution, which protects the weakest in religious liberty, at least to the extent of prohibiting Congress from making laws "prohibiting the free exercise of religion."

But we can make any law we like in the colonies, say some to you, regardless of the Constitution, and we can fine a man for going to the Methodist Church in Porto Rico and pay a bounty for going to the Baptist Church and make it a penitentiary offense to go to any other church.

Free hand? Oh, no; the State may enter the field of law of contracts, but when in that field you can not stray beyond its old fence; on every stake and rider is written the prohibition against "impairing the obligation of contracts." You may seek to borrow money for the United States—you have the power, but it must not infringe the constitutional limitation. We have power to regulate commerce with foreign nations, among the States, and the Indian tribes, but every statute that has attempted to exercise this power has been stricken from the statute books unless it was kept within the constitutional limitations.

I appeal to every lawyer who has read *Gibson vs. Ogden* (9 Wheaton) to *Wilson vs. McNamee* (102 U. S. Reports), nearly one hundred years' construction of the Constitution, and over 140 decisions of the United States Supreme Court.

We can establish uniform rules of bankruptcy and naturaliza-

tion, yet from the early reports of Wheaton to the later reports of Howard, covering more than half a century, our laws have failed when the court found Congress doing things beyond constitutional limitations.

No, sir, I say, not only to the distinguished junior Senator from Indiana, The Congress has no "free hand." The people have a free hand. They can amend the Constitution; Congress can not. We can not even submit the proposition unless we have two-thirds of the Congress, and the people themselves can not amend without three-fourths of the States.

No free hand, Mr. President. We may coin money; we can provide for the punishment of counterfeiting, but that punishment must be a constitutional punishment. No free hand, Mr. President. We may declare war; there are no constitutional restrictions. We may appropriate money for our armies, but we can not make an appropriation for that purpose for a longer term than two years.

In other words, even in sustaining our Army in times of war the Constitution limits the time for which we may appropriate money. We may exercise exclusive legislation over the District of Columbia, but Congress has no free hand to make an unconstitutional law in this District. We may legislate as to habeas corpus, but we can not suspend it but in cases of rebellion, invasion, or for public safety. We may levy a direct tax, but it must be in proportion to the census. We may indulge in general legislation, either as the Congress for all the United States or as rules and regulations for territory, but we can not pass a bill of attainder nor an ex post facto law.

We may levy, as the Congress, an impost duty, if uniform, but we have not the power to levy an export duty. We may make laws to regulate commerce, but that free hand of regulating commerce is paralyzed if it should attempt to give preference to one State over that of another. If we legislate here for any part of our territory, if we attempt to make an impost duty for a State, whatever is raised must go to the Treasury of the United States, and it must be for the use of the Treasury of the United States, whereas this bill provides that not one dollar of this revenue goes to the Treasury of the United States, but goes to the President for the benefit of the Territory.

It has occurred to me in reading this section that the fathers had in mind the hypocrisy of England, which was so vividly set out by the distinguished senior Senator from Vermont [Mr. PROCTOR] in his deadly parallel, which, with his consent, I set out here:

The bill "imposing duties on certain kinds of merchandise, when imported into the colonies, required the payment of such duties to be made in gold and silver, and ordered them to be paid into the exchequer, where, with the produce of all former parliamentary duties, they were to be set apart as a separate fund, to be applied under the disposition of Parliament for defraying the future charges of protecting, defending, and securing the colonies."

Under our measures Porto Rico is to be taxed, and the island pays both ways on merchandise which they ship to or receive from this country, and we have provided that the amount heretofore or hereafter so received "shall be placed at the disposal of the President to be used for the government now existing or which may hereafter be established in Porto Rico, for the aid and relief of the people thereof, and for public education, public works, and other government and public purposes therein," until otherwise provided by law.

I set out with the consent of the distinguished Senator from Vermont the parallel, and I was surprised when the senior Senator from Wisconsin indulged in the serious talk here yesterday toward the distinguished Senator from Vermont. He says we are not King George; that King George when he taxed us without our consent was a monarch; but we are nice people; we are gentle people; we are Christians; we are college professors. The distinguished junior Senator from Indiana picked out the kind of men who are to go abroad and govern those people. Put it down on the platform there. He wears a Prince Albert coat and has an overtop education, with all the honesty that goes with Americanism; and after you have got his picture drawn let me tell you what Lincoln said about him. He said:

You have an elegant man, but no man is good enough to govern another man without his consent.

So I say to the distinguished Senator from Wisconsin, when he talks about the Senator from Vermont for protesting against this duty that our fathers fought against, the distinguished Senator from Vermont undoubtedly had in his mind the doctrine of Lincoln, that no man, not even a man from the United States, is good enough to govern any man without his consent.

King George, as will be seen, proposed to make a special fund for the benefit of Porti America, but he was to decide in what way it was to be spent for our benefit, and in the adoption of our Constitution in 1787 our fathers did not fail to provide against the United States Congress indulging in the same hypocrisy that King George indulged in, for the only two places in the Constitution mentioning these duties prevents any such indulgence.

Section 8 of the first article provides that we can—
Collect taxes, duties, imposts and excises—

For what purpose?

to pay the debts and provide for the common defense and welfare of the United States.

Not to be put in the hands of the President for the benefit of some people of the Territory. And section 10 of the same article, paragraph 2, which is the only other suggestion in the Constitution as to the raising of imports and exports—

Shall be for the use of the Treasury of the United States.

It may be that some of the fathers dreamed of government without the consent of the governed.

It may be that some of them dreamed that at the close of this century we would attempt taxation without representation and indulge in colonies or "insular possessions," which rolls more glibly under the tongue and does not have the twinge of royalty, and we can use it better among those from whom we seek suffrage in November. "Insular possessions" with governors to govern them without the consent of the people!

We are not bound by the Constitution when we do it. The Constitution says you can not make a title of nobility, but that only applies to the States, you understand. The distinguished junior Senator from New York [Mr. DEPEW] can be the Duke of Ponce and not violate the Constitution; the distinguished junior Senator from Indiana [Mr. BEVERIDGE] the Prince of Porto Rico, and the distinguished lawyer who has sought to defend this bill upon unconstitutional ground can at least demand the title of the Lord High Duke somewhere in the Philippines, who may sit in judgment upon the laws and upon the people. Does the Constitution say that you can not make a title of nobility? Yes. Does it go into the Territory? No. Then you can make titles of nobility there. God help the men in November who preach that doctrine.

I wish to print some remarks here in reply to the argument of the distinguished junior Senator from Indiana [Mr. BEVERIDGE], and I will say simply in conclusion of that branch of this argument that I will read from his own speech, in which he says Congress can not transgress these limitations or provisions any more than it can pass laws in any other manner except the one marked out in the Constitution.

It may be that some of the fathers dreamed that at the close of this century we would attempt taxation without representation and indulge in colonies or "insular possessions," as some of us like to call them, but they made up their mind to one thing when they framed this Constitution, that if we ever so far forgot the genius of Americanism as to tax colonies as King George taxed us, that we should be shorn, at least of the hypocrisy of the King, for they limited our power to levy impost taxes to uniformity throughout the United States and provided that every dollar of profit so made should go to the Treasury of the United States, and I challenge any man upon this floor, or elsewhere, to show any power in our hands to levy impost duties except in the manner I have stated.

The junior Senator from Indiana is a good lawyer; he knows as well as the rest of us that "power never limits itself," but that every man who exercises power is limited in the use of that power, and that under the genius of this Government there is no such thing as a free hand.

The citizen is supreme within his grant of powers of citizenship; the justice of the peace is supreme within the scope of his authority; the city council, the board of education, the county board, and the State legislatures are supreme while acting within the limits of their power; yet none of the legislative bodies mentioned could make a rule, regulation, or law conflicting with the constitution of the State within which they are appointed or elected, nor in violation of the laws of the nation or the Constitution of the United States. Congress is supreme when acting within its limitations, but it has its limitations, as the city council or the justice's court has its limitations; and if there is one limitation that has been settled by one hundred years of constitutional construction it is that you can levy no impost duty that is not uniform, nor can you take one dollar of profit from an impost duty of any kind but it must go to the Treasury of the United States and for the use of the United States.

But the distinguished junior Senator from Indiana admits that even when the Congress of the United States is making "needful rules and regulations" it is bound by constitutional limitations.

I quote from him again what purports to be an exact extract from his speech, published in the Chicago Tribune:

This, the Senator contended, gave Congress practically a free hand in the matter in dispute, stating the limitations on its power to be as follows:

"Of course, Congress must exercise this power in the manner prescribed in the Constitution. The Constitution determines the method of Congressional action in exercising all its powers, and the Constitution fixes certain fundamental general limitations to and absolute general prohibitions on the power of Congress; and when Congress makes 'needful rules and regulations' respecting territory and other property belonging to the United States, it can not transgress these limitations or prohibitions any more than it can pass laws in any other manner except the one marked out in the Constitution."

Surely no other answer need be given to the Senator than his own admission which I have just quoted. But the distinguished

Senator, after making this admission, appeals to our "institutional law," and says that—

It is our institutional law which, flowing like the vital blood through the weaker constitution, gives that weaker instrument vitality and power of development.

To what branch of the institutional law does he appeal when he asks for assistance to pass this bill which puts a tariff duty between people of the United States? Is there any better expression of "institutional" law than the Declaration of Independence? Is there a more stern and vigorous protest anywhere in the world against taxation without representation than in that Declaration of Independence?

He can not have forgotten the charges of bad government laid at the door of the King by our fathers. Hear this: "The history of our present King of Great Britain is the history of repeated injury and usurpation. He is guilty of 'cutting off our trade in all parts of the world.' He has 'imposed taxes on us without our consent.'"

Does he dare appeal to institutional law that is written in the Declaration of Independence and in the hearts of the people to induce us to support this bill, which cuts off and regulates the trade of Porto Rico between Porto Rico and the rest of the world and in the same bill taxes the people of Porto Rico "without their consent?"

Is it possible that a man learned in the law, as he is, can appeal to our protest against Great Britain as justification for pursuing the same course against Porto Rico as Great Britain pursued against us?

My colleague [Mr. CULLOM] yesterday said that the Constitution was not a strait-jacket. It is only a strait-jacket applied to those who suffer from the overdeveloped mania of unnatural expansion. It has to be applied sometimes to people and even to Congresses. The other wing of the eagle may flop in perfect harmony with this wing under the directions of a caucus, but there is supposed to be a lodgment where the brain of the eagle sits, about halfway between the two wings; and no law remains written upon the statute books of this country or ever received the sanction of the brain and the heart of the eagle that violated the fundamental doctrines, one of which is that when you levy an impost duty it must be uniform.

The junior Senator from Indiana appeals to the institutional law. It is not written in any special book. He does not give you any reference to any volume and page, but I know what he means. It is the genius of all the conduct of the past. It includes the Magna Charta, the Declaration of Independence. How dare he appeal to the Declaration of Independence when he asks me to violate the fundamental doctrine of uniform equality? What is the impost duty? You admit yourself it is a revenue tax, and you ask me to violate the Constitution and pass it regardless of its lack of uniformity, and then appeal to what? The institutional law, the Declaration of Independence. What does that document say? What is the protest of the fathers against King George? "You have quartered soldiers upon us against our will. You have stopped our trade with the rest of the world." You have "imposed taxes on us against our consent." That is the institutional law that we fought for. That is the institutional law you ask me to violate, and I am asked to vote for a law of impost duty that is not uniform!

No, Mr. President, the more you appeal to the institutional law of the land, that eternal law of right and justice which, like the Monroe doctrine, is not written in books, but printed in the hearts and in the brain of the people—I say, sir, the more you appeal to that higher law the more repugnant, impudent, and outrageous the present legislation appears. With our strong giant Republic—strong in arms and strong upon the sea—we may not fear the Boston tea party in the harbor of San Juan, but if this bill becomes a law we deserve to have it. Not an intelligent man in the island of Porto Rico but what demands and expects free commercial intercourse, unless it be some who have been browbeaten and made to understand that they must choose the alternative between 15 per cent and 100 per cent.

I stand here as a Republican, devoted to the cause of protection, to say I will fight a revenue tariff as long as I live, and I am for giving the labor of this country 100 per cent of protection against the people of any foreign country; but if they are our people, I can never vote to levy a restraint or tax upon the commerce between our own people.

The case of *Fleming vs. Page* has been cited here as justifying this bill. I respectfully submit that it is wholly inapplicable. During the Mexican war we took possession, as an act of war, of the port of Tampico, in the Mexican State of Tamaulipas. We held it as a war measure, to embarrass our enemy. We never claimed title to it by conquest or by treaty.

It never was, and is not now, a part of our territory. In the language of the syllabus of the case, it did not thereby become a part of the Union. The boundaries of the United States were not

extended by the conquest. It was therefore very properly held that it was a foreign port, within the meaning of the act of Congress of the 30th of July, 1846, and the duties were properly levied upon goods imported into the United States from Tampico.

Justice Taney held (I quote from page 615):

The country from which these goods were imported was invaded and subdued and occupied as the territory of a foreign hostile nation, as a portion of Mexico, and was held in possession in order to distress and harass the enemy. While it was occupied by our troops, they were in an enemy's country and not in their own. The inhabitants were still foes and enemies, and owed to the United States nothing more than temporary allegiance.

Is that the case in Porto Rico? Are they our foes? Do we occupy it as a foreign, hostile nation, as a portion of the country of some enemy? Are we not holding it now in possession by treaty? Are we holding it for the purpose of "distressing and harassing an enemy?" Have we not a complete title to sovereignty? And does not this very bill, which proposes to levy a tax upon the people there, attempt to fix for them a civil government?

Had Congress assumed any power at the port in question? It had not at that time, and never has; and Chief Justice Taney, on the same page which I have read from, says that—

The power of the President under which Tampico and the State of Tamaulipas were conquered and held in subjection was simply that of a military commander prosecuting a war waged against a public enemy.

When we pass this bill, a part of which is for revenue tariff levied with a lack of uniformity, and that bill goes to Porto Rico, is it still under military control, and do we hold it as the enemies of Porto Rico and they as ours? Oh, what construction! What devious paths are we driven to when we start on the wrong trail!

Are the Porto Ricans public enemies? Is this bill which we seek to pass here to be an act of Congress or an arbitrary military power of the Executive? Why, Mr. President, in that case, and I read from the opinion of the Chief Justice—

There was no act of Congress establishing a custom-house at Tampico; there was no collector. The person who acted in the character of collector acted as such under the authority of a military commander; and the duties he exacted and the regulations he adopted were not those prescribed by law, but by the President in his character as Commander in Chief.

Do we intend to establish such a custom-house in Porto Rico?

Again, Chief Justice Taney says:

The custom-house was established in an enemy's country as one of the weapons of war.

Is that the object of this bill? He says it was established—

as a measure of hostility and as a part of the military operations in Mexico.

Is this bill an act of hostility and so intended?

The Chief Justice says again:

It was a mode of exacting contributions from the enemy to support our Army, and intended also to cripple the resources of Mexico and make it feel the evils and burdens of the war.

Is that the object of the pending legislation?

Is that the object of this bill, to levy tribute upon enemies? If so, the case of *Fleming vs. Page* can apply, and if not it has no application here.

Again, the Chief Justice says:

The duties required to be paid were regulated with this view and were nothing more than contributions levied upon the enemy.

Are we in this bill seeking to levy contributions upon the enemy?

The Chief Justice says (page 618):

After it was subdued it was uniformly treated as an enemy's country and restored to the possession of the Mexican authorities when peace was concluded—

Whereas in the case of Porto Rico from the day that Miles landed we held it with the consent of the people; and, in the treaty of Paris, Spain, the previous sovereign, ceded its sovereignty to us.

It is a waste of words and a waste of time to reiterate again and again the language of Chief Justice Marshall, that that Territory is as much a part of the United States as Maryland or Pennsylvania and that the same reason exists for uniformity in impost duties there as exists anywhere in the United States.

The case of *Brown vs. Houston* (114 U. S., page 602) has also been cited. The opinion is by Justice Bradley. The suit was originally brought by plaintiff in error to enjoin Houston, a collector, from selling a lot of coal belonging to the plaintiff, situated in New Orleans. It was to be sold for local taxes. The court held that it did not involve the question of imports or exports at all.

It was coal carried from Pennsylvania to New Orleans, and the court reaffirmed the former opinion, that the imports and exports referred to in section 10 of Article I of the Constitution, which prohibits the States from levying duties, etc., has reference to goods brought from or carried to foreign countries alone, and not to goods transported from one State to another. Surely this will not be cited as an authority for levying impost duties when that question was not involved.

The same is practically true of the case of *Woodruff vs. Parham* (8 Wallace, page 123). This case was decided in 1870, ten or fifteen years before the case I have just cited, of *Brown vs. Houston*.

Justice Miller delivered the opinion and held to be valid a uniform tax imposed by a State on all sales made in it; and also held that such tax was in no sense an import duty, and was not included in the constitutional limitation which prevented States from levying imposts, etc.

If this case decides anything further, it decides that, "the framers of the Constitution claiming for the General Government, as they did, all the duties on foreign goods imported into the country." Here is a clear statement from Justice Miller which proves true the contention I have been making—that whether these impost duties are to be levied by the United States for the general welfare or to be levied by a State, with the consent of Congress, it must all be levied uniformly and for the direct benefit of the United States; and then there is no power in any clause of the Constitution to levy an impost duty for the benefit of any State or Territory, whether it is an integral part of the United States or not.

The case of *Brown vs. Maryland* (12 Wheaton, 419), which has been cited by some one, as I understand it, favoring the levying of an impost duty against people in our own territory that is not uniform, was decided in 1827. Marshall was Chief Justice and delivered the opinion of the court. It is the first case decided by the Supreme Court that allows a general discussion of the powers of levying duties.

Brown, an importer, was indicted for failing to take out a license, which license was required by an act of the legislature of Maryland requiring all importers of foreign goods, etc., to pay the sum of \$50. The court held that license fee was repugnant to section 10 of Article I of the Constitution, that no State shall, without the consent of Congress, lay any impost or duty, etc. He also held that it was repugnant to that part of the Constitution which declares that Congress shall have power to regulate commerce with foreign nations, between the States, and with the Indian tribes.

I will not detain the Senate by reading a part of this opinion, which is most interesting and instructive, but must say, in passing, that the reasons of the framers of the Constitution for putting all of the power of levying impost duties in Congress is most thoroughly explained, and the contention that I have been pleading for has been most thoroughly emphasized—that even this power which is delegated to Congress has all of the limitations prescribed by the Constitution.

I defy any man, I challenge any lawyer or any Senator, to find me one case, as I said before, from the days of Marshall to the present hour, where any majority or minority of a court have held that you could make an impost duty between the United States and any Territory owned by the United States and not be bound to make it uniform.

Mr. President, one word in reply to the legal argument of the senior Senator from Wisconsin [Mr. SPOONER]. No one who knows him doubts either his great ability or his sincerity; we honor him for both, and particularly do I honor him for his tolerant and respectful consideration of the opinions of others. His proposition in substance is, while he admits *Loughborough vs. Blake*, by Chief Justice Marshall, to be the law, yet, inasmuch as this bill does not levy an impost duty under Article I, section 8, of the Constitution, for the common defense and general welfare of the United States, that therefore it need not be uniform. This is indeed a startling proposition, that we may avoid the limitation of the organic grant of power by violating, in terms, the purposes for which the power is given, or by the violation of the purpose of the law be able to violate the manner in which the law shall operate.

We may levy imposts for "common defense and general welfare," and it must be uniform; but he says if you levy imposts to (as this bill says) "provide revenue for Porto Rico," then the impost need not be uniform. Thus are we to have an unconstitutional object in order to defeat the limitation of the Constitution.

I again desire to emphasize my former statement that this bill is unconstitutional in both its object and the manner of obtaining its object.

First. Congress had no power to levy impost duties until it received that power from the States.

Second. The State has no power to levy impost duties except by consent of Congress; and therefore,

Third. The only power in Congress to levy imposts, or in States, by consent of Congress, to levy imposts, is contained in section 8, Article I, and paragraph 2 of section 10, same article.

Fourth. The States having transferred that power to levy imposts for certain purposes and in a certain manner, there can be no implied grant giving to Congress the power to change either the purposes or manner of levy.

Fifth. The State reserves to itself all powers not granted by the Constitution.

Sixth. The States having yielded a part and reserved a part, both the States and the nation are bound by the limitations.

Seventh. In construing Article I we must construe each section of that article in connection with all other sections.

Reading the two sections of the same article together we find no inconsistency, no limiting or abridgment, of either one by the other. I read them together: Congress may levy imposts for common defense and general welfare of the United States. The States may levy imposts (Supreme Court says that means goods imported from a foreign state) providing Congress consents, for "what is absolutely necessary to carry out its inspection laws, but all impost laws must be uniform, and if levied by States with consent of Congress the net proceeds shall be for the use of the Treasury of the United States."

I will endeavor to finish in eight or ten minutes, and I want to call attention again to the startling proposition, the unheard-of proposition, that because you are levying an impost duty for a purpose not mentioned in the Constitution, then that constitutional limitation as to uniformity does not apply. I want to show you how the same doctrine would apply to some other branches of the Constitution. I say that you must read both those articles together.

Compare this bill with the Constitution. The Constitution says:

Congress shall have power to levy imposts to pay debts, etc., of the United States.

This bill proposes to levy imposts to raise revenue for Porto Rico. The Constitution says all imposts shall be uniform. This bill proposes to levy imposts that are not uniform. The Constitution says: The net produce of all imposts shall be to pay the debts of, provide for the common defense and general welfare of the United States, and shall be for the use of the Treasury of the United States.

This bill proposes to levy imposts, not one cent of which shall go to pay the debts of the United States or provide for the common defense or general welfare of the United States, and instead of saying, in the language of the Constitution, that it "shall be for the use of the Treasury of the United States," it provides—I quote its exact words:

SEC. 4. All duties collected hereunder "shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President, to be used."

For what? To pay debts of the United States? No. To go for the common defense or general welfare of the United States? No. To be held "for the use of the Treasury of the United States?" No. But to be used—

for the government and benefit of Porto Rico.

Mr. President, I mean no disrespect to any of my colleagues, but if a commission should be appointed to provide some way to raise money unconstitutionally for an unconstitutional purpose, in some thoroughly unconstitutional method, the bill now before the Senate would be a great labor saver for such a commission.

Mr. President, I call the attention of the people who are voting for this bill to the fact that it is not a constitutional appropriation. I say there is no precedent for it, and it is at least unconstitutional in the manner of the appropriation. We appropriated the other day two million and some odd thousand dollars, but we appropriated the exact amount. When the President was left in charge of the Louisiana purchase, Congress appropriated first a million and a half dollars and then passed another appropriation setting aside so much as might be necessary for the purposes of the President. This bill here has no limit. There is no amount fixed in this bill. It is not an appropriation in contemplation of the Constitution, which says that no money shall be drawn from the Treasury but "by appropriations made by law."

No money shall be appropriated or drawn from the Treasury but in consequence of an appropriation made by law. Never before have you established a fund and appropriated it in advance. Never before have you delegated your legislative powers to a President to say how much shall go for one thing and how much for another, unless you had given him a lump sum. The distinguished chairman of the Committee on Appropriations will correct me if I am wrong. If I am wrong I want to be corrected. You can go on with the bill. I simply want to call attention to the fact that under the appropriation bill where we gave \$50,000,000 for the war the amount was fixed.

The President disposed of it for the Army and the Navy. I do not raise a question as to the propriety of having the President use it. I simply say that never before has there been a new law of impost duties established and farmed out without fixing the amount of appropriation. This may amount to \$200 or it may amount to \$2,000,000 or \$5,000,000. The President may appropriate every dollar for policemen or every dollar for a schoolhouse. The power of appropriating and fixing the amount for each item is left with the President, and the amount is left for the future and for fate to determine. No such delegation of legislative power has ever been indulged in by the Congress as to say that we will establish a new law.

Why, Mr. President, if you could do that you could pass a bill here to-morrow saying that all internal revenues collected here-

after shall not be deposited in the general fund of the Treasury, but in a special fund, to be used by the President of the United States for New England, New Jersey, or any other particular part of the country. You can say that the revenues collected under the impost duties should be deposited in a special fund to be used for some part of the United States or for the transportation of Bibles to the Timbuctoos. There is no such way for taking money from the Treasury. But gentlemen say it does not go to the Treasury. I say it does. It does not go to the general fund of the Treasury, but it goes into the pockets of Uncle Sam, and you can not take it out until you pass an appropriation by law. That is what this Constitution says. The Constitution also says that a law must be made by Congress. How much are you going to put into his hands. You do not know how much he will use for the Army or for the Navy or how much he will use for schoolhouses; how much for roads, or how much for books. You do not know. Remember, the Constitution says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law;" and law means an appropriation by Congress. This is a diversion of a fund. It is just as much in the Treasury whether it is put in a special fund or whether it is put in a general fund.

I noticed, Mr. President, the uniformity with which the different members of the committee paid their respects to and caused the distinguished chairman of the committee, the Senator from Ohio [Mr. FORAKER], to blush every time. The members of his committee told him with what patriotism and bravery he had gone through this storm of making a new law; of the perfection of this bill, the child of his brain. Why, Mr. President, when this child was born it was twins. The distinguished Senator from Ohio brought forth a civil-government bill and a free-trade bill. They were Siamese twins. We had just christened one of them "Plain Duty," when it up and died. [Laughter.] We knew who killed him; but there is no official accountability for it. The author of "the heavenly twins" never knew his offspring from that hour. He had to be introduced to it (if you can call twins "it") every day; its hair, eyes, and complexion changed color daily, almost hourly. [Laughter.]

Seven wise men, doctors of harmony, cut the tissue that held the poor dead Duty—just Plain Duty—to the other one, the maternal heart was broken, and the blow "almost killed father." [Laughter.] He has rarely smiled since the House baby was grafted on in the place of Duty—just Plain Duty. In defense of the Senator from Ohio, I hope they will not lay it all to him. It is said that Charles Dickens cried when he wrote the last line of David Copperfield, he so hated to part with the child of his brain and fancy, and that he mourned for weeks over the death of his own Little Nell, but I imagine the junior Senator from Ohio could part with this little doublet without a heart throb or one drop of moisture in his eye. [Laughter.]

Mr. President, since "plain duty" has been severed from the Siamese twins, I can not vote for the bill. "The plain people," that Mr. Lincoln used to talk about—and we are called demagogues now when we talk about them, because all live men are politicians, and never become statesmen until they are dead [laughter]—the plain people will not stand this at all under any circumstances. We are scolded and browbeaten every time we talk about the Constitution, which we have sworn to support. Why, if the contention claimed for is true, let me show you what we could do as a Congress. I have not time to show you half we could do if we started out to do it. First, of course, imposts and duties do not have to be uniform in the Territories. It follows, therefore, that excise duties do not have to be uniform in the Territories. We could put a dollar tax on a gallon of whisky in Iowa, \$2 in Porto Rico, and 30 cents in the Philippine Islands; and thus the law of equality or uniformity that the fathers pleaded for is gone like a tale that is told.

When the Virginia legislature first wrote a resolution pleading that we come together, what was their prayer? What was the object of the Constitution? To see how far the trade of the United States should be extended, to consider how far a uniform system in our commercial relations should be necessary to their common interest and their permanent harmony. The first gathering together in the evolution of nations when we had reached a point where we could stand against the world, the first thought of protection was that we should have uniformity; that by our first organic law we would protest against the infamy of kings; that hereafter the tax on tea, if necessary, should be levied under a law applying equally to all.

If this contention is true, then we can establish a uniform rule of naturalization that does not apply to the Territories. We can let a man vote there or not, or we can stop him on account of color or previous condition of servitude. We can coin money, regulate weights and measures, and we can make one weight and measure for Alaska and another for Porto Rico; we can provide for the punishment of counterfeiting, and yet take a man's life without trial by jury if he happens to counterfeit in Porto Rico. You may issue patents—one kind of patents in Illinois and another in

the Territories. It says here that you can levy no export duty; and yet we are doing it in this bill. The plain language of the Constitution—which no one has thought to defend who presses this bill upon us as a party measure—the plain imposition of the Constitution that no export duty shall be charged, charges me 15 per cent on what I send from Chicago to Porto Rico and no per cent on what I send anywhere else, because there is no export duty under the Dingley law. We obeyed the Constitution when we made the Dingley law. What is to prevent us from doing it now?

"No preference shall be given in the regulation of commerce or revenue." That does not apply to these poor devils that we are talking about. It says also—and this is what pleases me and makes me feel happy—that "no title of nobility shall be granted by the United States."

I have been looking forward to the time when some imperial titles of nobility would be given to my colleagues. For days and weeks and months they have studied everything from the Spanish language to the pronunciation of "insular possessions." [Laughter.] The fathers said you can give no title of nobility; but this bill says, and the defenders of it—they do not all say it, because there is a difference of opinion even upon that; but the most of them who talk about it say that we have a free hand in legislation in the colonies—oh, I beg your pardon—"in our insular possessions" [laughter]—and we can grant titles of nobility there, though we can not in Iowa or Illinois. Oh, no, Mr. President; that will not do.

I have taken too much time. As I said before, the plain people will not stand it. God help the man who takes to the people in November, and asks for an indorsement or a return to a seat here or at the other end of the Capitol, the proposition that we can make anything but uniform laws; that the Constitution is locked up within the Union of the States, and that we can go to Porto Rico, as we do in this bill, and govern the people there and make them swear to support the Constitution, and then not give them the blessings of the thing they support—that is, they are to have the responsibilities and duties without its glorious advantages. That will not do.

We have gone on until the Filipino pot has turned so black that we dare not even mention the kettle in South Africa, and when we speak of the Constitution or the Declaration of Independence our colleagues and the press announce that there is treason abroad.

Mr. President, I will go back to my constituents with this instrument. It is old-fashioned. Whatever may have been my shortcomings, I have been independent enough to demand liberty for myself, and just enough to hope for it for others. I remember that I took an oath to support this Constitution. I will go back to my constituents and say: "Popular or unpopular, imperial or otherwise, believing in equality before the law, I have never voted for a tax upon the people that is not uniform, and have, with the best light that God has given me, kept the faith, and have not abandoned the precepts of the fathers." [Applause in the galleries.]

Mr. CULBERSON. Mr. President, speaking in general terms, the bill under consideration provides, among other things, that tariff duties at 15 per cent of those fixed by the Dingley Act shall be levied upon all articles imported into the United States from Porto Rico and upon all articles imported into Porto Rico from the United States. In my judgment these duties are indefensible upon moral, economic, and constitutional grounds; and while my views are well defined and fixed, they will be presented with that respect and deference which the circumstances and the occasion naturally suggest.

The distinguished Senator from Ohio [Mr. FORAKER] who has charge of this measure has stated several times during this debate, which he has conducted with marked courtesy and ability, that the doctrine that the Constitution extends over the Territories was invented by Mr. Calhoun in 1849-50 in the interest of human slavery. That statement, Mr. President, has been reiterated by the Senator from New York [Mr. DEPEW], the Senator from Indiana [Mr. BEVERIDGE], and the Senator from Wisconsin [Mr. SPOONER] with something of an appeal to the prejudices and passions of the unhappy days of negro servitude.

It is to be regretted that this vexed question should have been drawn into this controversy, as the tendency will be to prevent dispassionate consideration; but it is such a grave historical misstatement that it must not go unchallenged and unrefuted. The Constitution itself, properly understood and interpreted, is the true origin of the doctrine, and among public men it was first announced in 1805 by Mr. Jefferson, not in the interest of human slavery, to which he was opposed, but in furtherance of religious freedom.

In 1809 it was declared in its true breadth and fullness by Mr. Madison, the author of the Constitution; and in 1820 by the Supreme Court of the United States, speaking through Chief Justice Marshall, in the celebrated case of *Loughborough vs. Blake*, 5 Wheaton. Later on, if I have an opportunity, this opinion of the

Chief Justice will be adverted to more fully; but it occurs to me to be appropriate at this time to read what Mr. Jefferson and Mr. Madison said upon the subject.

In the second inaugural address of President Jefferson he used this language, speaking of the inhabitants of the Territory of Louisiana:

In matters of religion I have considered that its free exercise is placed by the Constitution independent of the powers of the General Government. I have, therefore, undertaken on no occasion to prescribe the religious exercise suited to it, but have left them as the Constitution found them—under the direction and discipline of the church or state authorities acknowledged by the several religious societies.

In 1809, as I have stated, President Madison addressed a letter to the representatives of the Mississippi Territory, in which this language was used:

The Constitution of the United States is well entitled to the high character you assign to it. It is among the proofs of its merit that it is capable of inspiring with admiration and attachment the most distant members of the comprehensive family over whom its guardianship extends. And it is equally honorable to their enlarged patriotism to cherish those sentiments, whilst the immaturity of their situation suspends a part of the advantages common to their fellow-citizens of the elder communities.

In 1847 President Polk, speaking of the Territory of Oregon, which came to us by right of discovery, declared that the Constitution extended over it in this language:

The attention of Congress was invited at their last and the preceding session to the importance of establishing a Territorial government over our possessions in Oregon, and it is to be regretted that there was no legislation on the subject. Our citizens who inhabit that distant region of country are still left without the protection of our laws, or any regularly organized government.

Before the question of limits and boundaries of the Territory of Oregon was definitely settled, from the necessity of their condition the inhabitants had established a temporary government of their own. Besides the want of legal authority for continuing such a government, it is wholly inadequate to protect them in their rights of person and property or to secure to them the enjoyment of the privileges of other citizens, to which they are entitled under the Constitution of the United States. They should have the right of suffrage, be represented in a Territorial legislature and by a Delegate in Congress, and possess all the rights and privileges which citizens of other portions of the Territories of the United States have heretofore enjoyed or may now enjoy.

In 1848, in his fourth annual message to Congress, President Polk declared that the Constitution of the United States extended over the Territory of California, saying:

Upon the exchange of ratifications of the treaty of peace with Mexico, on the 30th of May last, the temporary governments which had been established over New Mexico and California by our military and naval commanders by virtue of the rights of war ceased to derive any obligatory force from that source of authority, and having been ceded to the United States, all government and control over them under the authority of Mexico had ceased to exist.

Impressed with the necessity of establishing Territorial governments over them, I recommended the subject to the favorable consideration of Congress in my message communicating the ratified treaty of peace, on the 6th of July last, and invoked their action at that session. Congress adjourned without making any provision for their government. The inhabitants by the transfer of their country had become entitled to the benefit of our laws and Constitution, and yet were left without any regularly organized government. Since that time the very limited power possessed by the Executive has been exercised to preserve and protect them from inevitable consequences of a state of anarchy.

Mr. President, this is not all. This doctrine was not only announced, as I have indicated, by eminent men of the Democratic persuasion, long before the time to which the Senator from Ohio referred, but, sir, every political party established in the United States which advocated the abolition of slavery declared by their platforms that appropriate provisions of the Constitution of the United States extended over the Territories. It was not until this question arose here quite recently that the Republican party assumed a different position upon it.

I beg to call the attention of the Senate to proof of the assertion which I make, that all political parties established in the United States which advocated the abolition of slavery, including the Republican party, announced the doctrine that appropriate provisions of the Constitution extended to the Territories.

In 1844 the Liberty Convention declared—

That the fundamental truths of the Declaration of Independence, that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness, was made the fundamental law of our National Government by that amendment of the Constitution which declares that no person shall be deprived of life, liberty, or property without due process of law.

That the General Government has, under the Constitution, no power to establish or continue slavery anywhere, and therefore that all treaties and acts of Congress establishing, continuing, or favoring slavery in the District of Columbia, in the Territory of Florida, or on the high seas are unconstitutional, and all attempts to hold men as property within the limits of exclusive national jurisdiction ought to be prohibited by law.

In 1848 the Free Soil convention declared:

That our fathers ordained the Constitution of the United States in order, among other great national objects, to establish justice, promote the general welfare, and secure the blessings of liberty; but expressly deny to the Federal Government, which they created, a constitutional power to deprive any person of life, liberty, or property without due legal process.

That in the judgment of this convention Congress has no more power to make a slave than to make a king; no more power to institute or establish slavery than to institute or establish a monarchy; no such power can be

found among those specifically conferred by the Constitution or derived by just implication from them.

That it is the duty of the Federal Government to relieve itself from all responsibility for the existence or continuance of slavery wherever the Government possesses constitutional power to legislate on that subject, and it is thus responsible for its existence.

That the true and, in the judgment of this convention, the only safe means of preventing the extension of slavery into territory now free is to prohibit its extension in all such territory by an act of Congress.

In 1852 the Free Soil convention, which nominated Hale and Julian, declared:

That governments deriving their just powers from the consent of the governed are instituted among men to secure to all those inalienable rights of life, liberty, and the pursuit of happiness with which they are endowed by their Creator, and of which none can be deprived by valid legislation, except for crime.

That the Constitution of the United States, ordained to form a more perfect Union, to establish justice, and secure the blessings of liberty, expressly denies to the General Government all power to deprive any person of life, liberty, or property without due process of law; and therefore the Government having no more power to make a slave than to make a king, and no more power to establish slavery than to establish a monarchy, should at once proceed to relieve itself from all responsibility for the existence of slavery wherever it possesses constitutional power to legislate for its existence.

That to the persevering and importunate demands of the slave power for more slave States, new slave Territories, and the nationalization of slavery, our distinct and final answer is: No more slave States, no slave Territory, no nationalized slavery, and no national legislation for the extradition of slaves.

On yesterday the senior Senator from Illinois [Mr. CULLOM] read, in support of the proposition that the Constitution does not apply to the Territories, one of the planks of the Republican platform adopted in 1856, but, like the argument which has been made on the other side of the Chamber from some of the decisions of the Supreme Court, he fails to read all that was said upon the subject. Another plank of that platform, which he did not read, I beg to call to the attention of the Senate:

Resolved, That, with our republican fathers, we hold it to be a self-evident truth that all men are endowed with the inalienable rights to life, liberty, and the pursuit of happiness, and that the primary object and ulterior design of our Federal Government were to secure these rights to all persons within its exclusive jurisdiction; that, as our Republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property without due process of law, it becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the purpose of establishing slavery in the United States by positive legislation prohibiting its existence or extension therein; that we deny the authority of Congress, of a Territorial legislature, of any individual or association of individuals, to give legal existence to slavery in any Territory of the United States while the present Constitution shall be maintained.

Mr. President, I now come to the Republican platform of 1860, which Mr. Lincoln expressly approved in his letter of acceptance, and I call the attention of the Senate to the explicit declaration that the fifth amendment to the Constitution of the United States applies to the Territories, and, consequently, that Congress could not establish slavery there.

That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution, "That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed" is essential to the preservation of our republican institutions; and that the Federal Constitution, the rights of the States, and the Union of the States must and shall be preserved.

That the new dogma, that the Constitution of its own force carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subversive of the peace and harmony of the country.

Bear in mind, now, Mr. President, the eighth declaration of the convention that nominated Mr. Lincoln for President:

That the normal condition of all the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that "no person should be deprived of life, liberty, or property without due process of law," it becomes our duty by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a Territorial legislature, or of any individuals to give legal existence to slavery in any Territory of the United States.

So it seems, as I insisted upon at the outset, that every political party which was organized in the United States in favor of the abolition of slavery declared that the fifth amendment of the Constitution extended of its own force to the Territories and was operative there, and that Congress could not establish slavery in the Territories because of the Constitution. No act of Congress pretended to extend the Constitution to any Territory until 1850.

I do not know whether it is wise in these days to quote from Mr. Lincoln, but I beg to call the attention of the Senate, nevertheless, to his declarations that the Constitution of the United States extended not only to the Territories but to the District of Columbia as well. I read from the first volume of the Speeches, Letters, and State Papers of Abraham Lincoln, compiled by Nicolay and Hay, page 416:

Now, I propose to show, in the teeth of Judge Douglas's ridicule, that such a decision does logically and necessarily follow the Dred Scott decision. In

that case the court holds that Congress can legislate for the Territories in some respects, and in others it can not; that it can not prohibit slavery in the Territories, because to do so would infringe the "right of property" guaranteed to the citizens by the fifth amendment to the Constitution, which provides that "no person shall be deprived of life, liberty, or property without due process of law." Unquestionably there is such a guaranty in the Constitution, whether or not the court rightfully apply it in this case.

I propose to show, beyond the power of quibble, that that guaranty applies with all the force, if not more, to States than it does to Territories. The answers to two questions fix the whole thing. To whom is this guaranty given, and against whom does it protect those to whom it is given? The guaranty makes no distinction between persons in the States and those in the Territories. It is given to persons in the States certainly as much as, if not more than, to those in the Territories. "No person," under the shadow of the Constitution, "shall be deprived of life, liberty, or property without due process of law." Against whom does this guaranty protect the rights of property? Not against Congress alone, but against the world; against State constitutions and laws, as well as against acts of Congress.

Mr. President [after a pause and noting loud talking in rear of the seats on the Republican side of the Chamber], it is well that the new leader of the Republican party declines to listen to the words of Abraham Lincoln.

On February 27 and 28, 1861, after Mr. Lincoln reached Washington, preparatory to his inauguration as President, he delivered two short addresses, one in reply to the mayor and board of aldermen, and the other in response to a serenade. In the first he declared:

I have not now any purpose to withhold from you any of the benefits of the Constitution, under any circumstances, that I would not feel myself constrained to withhold from my own neighbors.

In the second he said:

I hope that if things shall go along as prosperously as I believe we all desire they may, I may have it in my power to remove something of this misunderstanding; that I may be enabled to convince you and the people of your section of the country that we regard you as in all things our equals, and in all things entitled to the same respect and the same treatment that we claim for ourselves; that we are in no wise disposed, if it were in our power, to oppress you, or deprive you of any of your rights under the Constitution of the United States, or even narrowly to split hairs with you in regard to these rights, but are determined to give you, as far as lies in our hands, all your rights under the Constitution—not grudgingly, but fully and fairly. I hope that, by thus dealing with you, we will become better acquainted, and be better friends.

It was not until 1871 that an act of Congress purported to extend the Constitution over the District of Columbia, and it thus appears that ten years prior to this the illustrious leader of the Republican party maintained that it was as effective there as in Illinois.

Attention has been called in this debate to internal taxes levied in Alaska by Congress. When the same question shall be presented respecting Porto Rico, it will be squarely met, and it is sufficient now to say that under the Constitution both direct and indirect taxes may be levied in Alaska without being uniform throughout the United States. The question here is whether import duties shall be uniform; and the record of the Republican party was completed in 1868 in favor of the extension of the Constitution of its own force to the Territories when the Administration declared in the following orders that Alaska was entitled to free trade after the ratification of the treaty with Russia by which it was annexed to the United States:

FURS FROM ALASKA VIA HAWAIIAN ISLANDS IN AMERICAN VESSELS FREE.

Furs brought from the Hawaiian Islands in American vessels, certified by a resident United States consul as products of Alaska, procured by American whaling vessels in Alaska, the landing of which was a mere incident in the transportation to the United States, are admitted to entry free of duty.—Circular to Collectors, March 5, 1868.

SITKA, MERCHANDISE FROM, SHIPPED AFTER RATIFICATION OF THE TREATY ENTITLED TO FREE ENTRY.

Merchandise (oil) shipped from Alaska after the ratification of the treaty with the United States, June 20, 1867, is entitled to entry free of duty.—Letter to Collector at New York, April 6, 1868.

Ah, Mr. President, what a change, what a marvelous, what an ominous change! The Republican party in its youth, dedicated to manhood liberties, and under the leadership of Lincoln, would extend the power of Congress to the Territories accompanied by the Constitution, in order to liberate a race. The Republican party of to-day, dedicated to commercial greed, and under the leadership of the junior Senator from Ohio [Mr. HANNA], would carry the power of Congress to the Territories unaccompanied by the Constitution, in order to accomplish the industrial enslavement of a people struggling to be free.

Coming to the bill itself, it would be particularly unfortunate if, at the outset of our relation to this island, in imposing tariff duties, we should, in the judgment of the Secretary of War, the President, and millions of their countrymen, discredit the public faith and violate our plain duty as a people. We engaged in war with Spain upon high grounds of human sympathy and national obligation, and our conduct should not be tarnished by so credible and so grave an accusation. Now that we are to deal directly with a people for whose kindred near by we went to battle, our course should be above suspicion, for it is especially incumbent upon a great nation, in dealing with a weak and dependent country, to place its action upon such generous and magnanimous lines as to disarm criticism and leave no possible stain upon its character or its honor. To impose duties upon the trade between Porto Rico

and the United States would also, in my judgment, in an economic sense, be detrimental to the best interests of both countries.

The objection to the imposition of such duties which I desire to urge particularly, however, is that Congress is without authority under the Constitution to impose them. It is not my purpose to discuss the broad question of the power of the United States to acquire territory or the limitations upon that power. Nor do I intend to debate now the full extent of the application of the Constitution to acquired territory previous to statehood.

It has been asserted by some that the Constitution does not of its own force extend over the Territories, and by others that it does extend over them. Very probably, Mr. President, these general assertions in many instances were not intended to express fully the opinions of the speakers; but, however that may be, both propositions are in my opinion inaccurate and unsound. Manifestly there are provisions of the Constitution which do not extend to the Territories—such, for instance, as those relating to the election of members of this body, for the Territories are not entitled to representation here; and there are provisions which do apply—such, for instance, as those which authorize the acquisition, disposition, and government of the Territories, for these involve their very origin and existence.

Some provisions applying and others not, the true inquiry in each case of proposed legislation is whether there are appropriate provisions which are operative. As Porto Rico has been annexed as territory of the United States, whatever may be said of many of the provisions of the Constitution, those unquestionably apply to this bill which relate to taxes, duties, imposts, and excises.

There are three provisions of the Constitution which it is proper to consider in determining this question. First, no tax or duty shall be laid on articles exported from any State; second, Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and, third, Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States, but all duties, imposts, and excises shall be uniform throughout the United States.

A majority of the committee which reported this measure take the position that in legislating for the Territories Congress is not governed or restricted by any of the guaranties or prohibitions in the Constitution. Those of us who disagree with that contention believe that when Congress legislates respecting the Territories it is bound to observe the guaranties of personal rights as well as other limitations upon Congressional power contained in the organic law.

Mr. President, I do not believe that the provision of this bill which authorizes the collection of import duties in this country on goods from Porto Rico is drawn under or is germane to the Territorial clause of the Constitution. It is in that guise, but it is, nevertheless, in evasion of the Constitution. The tax is levied by the United States; it is levied for the United States; it is levied and collected in the United States; it is levied upon citizens and importers of the United States, and it is finally paid in whole or in part by consumers in the United States.

The United States are as clearly responsible for the expenses of government in Porto Rico as for the expenses of the Federal Government in any State of the Union, and when a tax is levied upon imports coming from Porto Rico into the United States Congress is proceeding, not under the Territorial clause of the Constitution, but under the taxing clause, to levy taxes to raise revenue to support the Government of the United States. That the duties are to be applied exclusively to the payment of expenditures in Porto Rico is only a remote incident, the primary consideration being that they are for the use of the United States, levied and collected as stated. But admitting, for the sake of argument, that this provision of the pending bill is under the Territorial clause of the Constitution, it is in violation of that instrument, because under such circumstances Congress is limited by the taxing clause, and it is admitted that the duties are not uniform, either geographically or in the sense of equality.

When we turn to an intrinsic consideration of the proposition that the power of Congress over the Territories is unlimited, the first thought is that it is fraught with danger and is contrary to the form and genius of our Government. The Territorial limits, always considerable if not great, now embrace thousands of square miles, countless property values, and probably 15,000,000 of people, far in excess of those of the original thirteen States when the Constitution was formed. To commit these vast interests, pregnant with life and liberty and property to a partisan majority in Congress, unrestrained by constitutional limitations, bound only by convenient and serviceable political platitudes, would in the light of history invite profligacy, corruption, and oppression.

The world, sir, has known many forms of government. There have been despotisms; there have been aristocracies; there have been monarchies, absolute and limited; there have been pure and

representative democracies. The marvel of government which we have presented to mankind is not only a representative democracy, but one whose distinguishing characteristic is a written Constitution, with delegated powers, clearly defined and limited. Beyond all other forms of government it has restrained excesses and preserved liberty. This bill is an insidious attack upon it, not only its outward form but its genius and its soul, and if passed will be a dangerous stride toward arbitrary and despotic power.

This, sir, is not the creation of partisan enthusiasm or the specter of an alarmist. It is the logical result of the principles and policies underlying this measure, the certain effect of unbridled legislative power. Already the skirmish line of the imperial forces has been thrown forward. The junior Senator from Massachusetts [Mr. LODGE] has qualified the Declaration of Independence with what Lincoln called the argument of kings.

The junior Senator from Indiana [Mr. BEVERIDGE] only a few days ago declared in effect that our Constitution, consecrated by time, by sacrifice, and by blood, was unsuited to the new policies and the new career upon which we are entering, and that the unwritten constitution of the aristocracy of England was preferable to the written constitution of the democracy of France. For myself, leaning upon the sure foundations of freedom, I pray God the time may never come when Congress or any governmental agency will have unlimited power over the life or liberty or property of the humblest man who lives beneath the flag.

A limited government with unlimited powers is a constitutional absurdity. Argument upon a proposition so manifest should not be necessary, but in another view of the Constitution the contention of unrestricted authority in Congress over the Territories is inherently and radically unsound. The Constitution was intended by the framers, in its conception and by its terms, as an orderly, proportioned, and symmetrical system of Federal government.

The plan contemplated that all of its parts should stand in any given case, and to avoid detail and repetition each of the divisions of government was made harmonious and consonant with all others. The inhibitive provisions leveled at Federal authority extend to its action whatever the occasion or whatever the agency through which it should attempt to exert itself. All of the provisions of the great instrument are interdependent and interwoven as component parts of the same comprehensive and splendid scheme.

The cardinal rule of constitutional interpretation is that, if possible, every clause shall be given effect. But what will be the result if we adopt the logic and the reasoning of the committee? Only the particular clause invoked in any given case will be effective, notwithstanding the manner of its exercise may contravene others, which logically pursued would practically destroy all restraints upon Congressional action and change the Government from one of limited to one of unlimited powers.

It is true there is no limitation upon the authority of Congress to legislate respecting the Territories in that particular section of the Constitution, but the limitation is elsewhere in that instrument, either in methods prescribed for legislating upon subjects which may be included in that in reference to Territories, such as taxation, or in express prohibition upon Federal action in any case, such as the establishment of religion. While Congress is empowered to legislate for the Territories, yet, if in so doing it becomes necessary to enter upon specific subjects of legislation which are regulated or controlled by the Constitution, its provisions must be respected and observed, not only upon grounds already stated, but also because particular provisions control and limit those of a general character.

The power over the Territories is not broader than that over many other subjects. Congress has power to regulate commerce, borrow money, establish post-offices and post-roads, declare and wage war, raise and support armies, provide and maintain a navy, and there is no limitation immediately associated with either of these grants of power. Will it be insisted that in exercising any of these powers the limitations in reference to taxation may be violated?

It can not be contended that the power of Congress "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia is less circumscribed than that over the Territories, and yet eighty years ago it was settled by the Supreme Court of the United States (*Loughborough vs. Blake*, 5 Wheaton, 317) that the limitations of the taxing power applied to legislation for the District of Columbia, and it is equally well settled by the same authority (*Callan vs. Wilson*, 127 U. S., 550) that the constitutional guaranties in criminal proceedings are secured to the people of that District.

Both as an original proposition and upon judicial decision the phrase "throughout the United States" in the taxing clause of the Constitution embraces the Territories, and consequently import duties imposed within or respecting them must be uniform with

those imposed within or respecting the States. "Throughout the United States" is obviously used in the sense of extent or dominion as contradistinguished from the idea of political entity, and was intended to embrace the area over which the jurisdiction and sovereignty of the United States extends.

At the time the Constitution was framed the United States possessed the greater part of the vast territory north of the Ohio River. It was inhabited by an intelligent and sturdy population, jealous of their rights and privileges. In the celebrated ordinance which provided a government for this territory it was declared that—

The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts contracted or to be contracted and a proportional part of the expenses of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States, and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the districts or new States as in the original States—

And that—

the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free as well to the inhabitants of the said territory as to the citizens of the United States and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

This ordinance was adopted July 13, 1787, and the Constitution was signed September 17, 1787.

It is a well-known historical fact that the ordinance was brought to the attention of members of the Constitutional Convention during its deliberations, and it is not to be presumed, in view of the great difficulty involved in the adjustment of the ownership and future government of this Territory, that the convention intended to subject it and the inhabitants to a rule of taxation different from the States and at variance with this ordinance. This conclusion is greatly strengthened by the act of Congress approved August 7, 1789, which, making no changes in the ordinance as to taxation, declared that the act was passed so as to adapt the ordinance "to the present Constitution of the United States."

In harmony with this view, Chief Justice Marshall said, in *Loughborough vs. Blake* (5 Wheaton, 319):

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

In another well-known case decided subsequently to the preceding, and which has never been reversed or modified, the Supreme Court of the United States held that import duties must be uniform over the States and Territories. On May 30, 1848, ratifications of the treaty of peace between the United States and Mexico were exchanged, by which California was annexed. On October 7, 1848, James Buchanan, Secretary of State, in written instructions to an agent of the United States in California, said:

The President congratulates the citizens of California on the annexation of their fine province to the United States. On the 30th May, 1848, the day on which the ratifications of our late treaty with Mexico were exchanged, California finally became an integral part of this great and glorious Republic.

But, above all, the Constitution of the United States, the safeguard of all our civil rights, was extended over California on the 30th May, 1848, the day on which our late treaty with Mexico was finally consummated. From that day its inhabitants became entitled to all the blessings and benefits resulting from the best form of civil government ever established among men.

On the same day Robert J. Walker, Secretary of the Treasury, issued the following instructions to customs officers:

TREASURY DEPARTMENT, October 7, 1848.

On the 30th of May last, upon the exchange of ratifications of our treaty with Mexico, California became a part of the American Union, in consequence of which various questions have been presented by merchants and collectors for the decision of this Department.

By the Constitution of the United States it is declared that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." By the treaty with Mexico, California is annexed to this Republic, and the Constitution of the United States is extended over that territory and is in full force throughout its limits. Congress also, by several enactments subsequent to the ratification of the treaty, have distinctly recognized California as a part of the Union, and have extended over it, in several important particulars, the laws of the United States.

Under these circumstances, the following instructions are issued by this Department:

First. All articles of the growth, produce, or manufacture of California, shipped therefrom at any time since the 30th May last, are entitled to admission free of duty into all ports of the United States.

Second. All articles of the growth, produce, or manufacture of the United States are entitled to admission free of duty into California, as are also all foreign goods which are exempt from duty by the laws of Congress, or on which goods the duties prescribed by those laws have been paid to any collector of the United States previous to their introduction into California.

Third. Although the Constitution of the United States extends to California, and Congress have recognized it by law as a part of the Union, and legislated for it as such, yet it is not brought by law within the limits of any collection district, nor has Congress authorized the appointment of any officers to collect the revenue accruing on the import of foreign dutiable goods into that Territory. Under these circumstances, although this Department may be unable to collect the duties accruing on importations from foreign countries into California, yet, if foreign dutiable goods should be introduced

there, and shipped thence to any port or place of the United States, they will be subject to duty, as also to all the penalties prescribed by law when such importation is attempted without the payment of duties.

The PRESIDENT pro tempore. The Senator from Texas will suspend one moment. Under the unanimous-consent agreement the speeches from 2 o'clock until 4 will be limited to fifteen minutes each. The Chair recognizes the Senator from Texas.

Mr. BERRY. I ask unanimous consent that the Senator from Texas be permitted to conclude his remarks.

Mr. CULLOM. He can conclude in fifteen minutes, can he not?

Mr. BERRY. He may not be able to conclude in fifteen minutes.

Mr. CULBERSON. I think so.

The PRESIDENT pro tempore. The Senator from Arkansas asks that the Senator from Texas be permitted to conclude.

Mr. FORAKER. Let us wait and, when a quarter after 2 is reached, see what the situation is.

The PRESIDENT pro tempore. The Senator from Texas will proceed.

Mr. CULBERSON. During the progress of the Mexican war President Polk, in 1847, imposed a war tariff in California. On February 3, 1848, the treaty of peace was concluded; May 30, 1848, ratifications were exchanged; August 9, 1848, as soon as he was notified of the exchange of ratifications, the military governor of California substituted the tariff of 1846 for the war tariff; September 3, 1848, Harrison, a civilian, was appointed collector of San Francisco by the governor; March 3, 1849, San Francisco was included in a collection district, and on November 13, 1849, Collier was appointed collector by President Polk. Tariff duties were paid by Cross and others between February 3, 1848, and November 13, 1849, at war rates, until the fall of 1848, and afterwards under the act of 1846. Upon these facts suit was instituted by Cross and others to recover the duties paid by them, and, in finally determining the case, the Supreme Court held:

1. Until the date of the exchange of ratifications of the treaty, the duties were lawfully collected under the war or belligerent power.

2. The imposition of the duties provided by the tariff of 1846, after the exchange of ratifications was lawful and constitutional.

3. By the exchange of ratifications California became a part of the United States and was instantly bound by the tariff laws of the United States.

4. By the exchange of ratifications of the treaty the Constitution was extended over California without Congressional action and the provision of the Constitution as to the uniformity of import duties applied to California.

This case (*Cross vs. Harrison*, 16 Howard, 164) conclusively settles the question, and consequently efforts have been made to qualify it by insisting in effect that the tariff of 1846 was put in operation by the President under the war power. That President Polk did not so understand it appears from his message, from which I heretofore quoted, in which he said that the temporary governments established by the military commander "by virtue of the rights of war, ceased to derive any obligatory force from that source of authority" after the exchange of ratifications of the treaty, and that his subsequent action was under "the very limited power possessed by the Executive," evidently referring to his authority to see that the civil laws were executed under the embarrassing conditions.

It is too significant to be misunderstood or disregarded that after final ratification of the treaty the civil tariff was put in operation and a civil officer was made collector. This action of the President was declared by the court to be—

a rightful and correct recognition under all the circumstances; and when we say rightful we mean that it was constitutional, although Congress had not passed an act to extend the collection of tonnage and import duties to the ports of California.

That by the exchange of ratifications of the treaty California became a part of the United States, over which the Constitution and laws became instantly operative, without an express act of Congress, is thus pointedly and emphatically decided by the court:

By the ratifications of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage. It was bound by the eighteenth section of the act of 2d of March, 1790. The fair interpretation of the second member of the first sentence of that section is that ships coming from foreign ports into the United States were not to be permitted to land any part of their cargoes in any other than in a port of delivery, confined then to the ports mentioned in the act; afterwards applicable to all other places which might be made ports of entry and delivery, and excluding all right to unlade in any part of the United States which had not been made a collection district, with ports of entry or delivery. The ninety-second section of that act had four objects in view:

First, to exclude foreign goods subject to the payment of duties from being brought into the United States, except in the localities stated, otherwise than by sea; next, that they were not to be brought by sea in vessels of less than 30 tons burden; and third, to subject to forfeiture any foreign goods which might be landed at any other port or place in the United States than such as were designated by law; fourth, to exclude the allowances of drawback of any duties on foreign goods exported from any district in the United States otherwise than by sea, and in vessels less than 30 tons burden. The

sixty-third section also of that act, directing when tonnage duties were to be paid, became as operative in California after its cession to the United States as it was in any collection district.

The acts of the 20th of July, 1790 (1 Stat. L., 130, chapter 30), and that of 2d of March, 1799 (1 Stat. L., 627, chapter 22), were also of force in California without other special legislation declaring them to be so. It can not very well be contended that the words "entered the United States" give an exemption from them on account of the word entered, because a ship has been brought into a port in the United States where an entry can not be made, as it may be done in a collection district. The goods must be entered before a permit for delivery can be given. Shall one, then, be permitted to land goods in any part of the United States not in a collection district because he has voluntarily gone there with his vessel, where an entry of his goods can not be made; or to say, I know that my goods can not be entered where I am, and therefore claim the right to land them for sale and consumption free of duty?

It has been sufficiently shown that the plaintiffs had no right to land their foreign goods in California at the time when their ships arrived with them, except by a compliance with the regulations which the civil government were authorized to enforce, first, under a war tariff, and afterwards under the existing tariff act of the United States. By the last foreign goods, as they are enumerated, are made dutiable; they are not so because they are brought into a collection district, but because they are imported into the United States.

The tariff act of 1846 prescribes what that duty shall be. Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last became a part of the consumption of the country, as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kinds of goods; thus entering, by the retail sale of them, into competition with such goods, and with our own manufactures and the products of our own farmers and planters. The right claimed to land foreign goods in the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts and excises shall be uniform throughout the United States.

Indeed, it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation "to take care that the laws be faithfully executed."

Strong as is the case against the constitutionality of duties on imports from Porto Rico, the case against the imposition of duties on articles imported into Porto Rico from the United States is far stronger. The Constitution declares that "no tax or duty shall be laid on articles exported from any State." On yesterday the Senator from Wisconsin [Mr. SPOONER] asserted, I understand, that under the Constitution there is no limit upon the authority of the President to levy taxes, duties, and imposts as an incident of the war power. To this proposition I can not assent.

This prohibition against laying any tax or duty on articles exported from any State is aimed at the exercise of that power by Congress, the President, and every other Federal agency, and is operative at all times, whether in peace or in war; and if it has been exercised by the President with reference to articles entering Porto Rico from the United States, it is an undoubted violation of the Constitution. This provision of the Constitution is one of the most important in that instrument.

The debates of the Convention show that it was intended to prevent a combination by which a majority of the States could lay an unjust and disproportionate burden upon the products of a minority of the States, and so intense was the conviction upon the subject that it was frequently asserted that the Constitution could not be adopted without it.

It is a limitation upon the power of Congress or other Federal authority in any case or for any purpose, and the duty levied by the bill is certainly a tax on articles exported from the States within its clear meaning, because it is laid upon the articles after and because of exportation and before they mingle in the mass of property in Porto Rico. Before the articles are started in course of exportation and after they leave the custom-house and become part of the general property in Porto Rico they may be taxed, but in the interim the prohibition applies, and they can not be taxed. In the case of *Turpin vs. Burgess* (117 U. S., 506) the Supreme Court thus announced the true doctrine upon the question:

Now, the constitutional prohibition against taxing exports is substantially the same when directed to the United States as when directed to a State. In the one case the words are "No tax or duty shall be laid on articles exported from any State." In the other they are, "No State shall, without the consent of Congress, lay any imposts or duties on imports or exports." The prohibition in both cases has reference to the imposition of duties on goods by reason or because of their exportation or intended exportation or whilst they are being exported. That would be laying a tax or duty on exports or on articles exported, within the meaning of the Constitution.

As a final argument for this measure they tell us the duty is light and inconsiderable. How untrue that is has been shown by the Senator from Kentucky [Mr. LINDSAY], but its oppressive character may be further seen from the fact that upon the people of Porto Rico, poor and impoverished as they are, this bill levies a greater tax by at least \$3 per capita than is levied for all State purposes upon the people of Texas, who are prosperous and happy.

But, Mr. President, if it be true that the tax is light it neither palliates nor justifies the offense. Not many years ago Benjamin Harrison, gifted beyond all the Presidents with felicity of speech, in discussing a proposed tariff from his standpoint, declared that

it was not so much the length as the direction of the step which was alarming. So is it here. It is something to put behind us our solemn duty; it is humiliating and cowardly to wrong a defenseless and prostrate people at the dictation of avarice and greed; it wounds the public conscience to disregard our plighted faith as a nation; but to do these things in violation of the organic law is an assault upon our institutions and a crime against free government.

Mr. CLAY. Mr. President, it is extremely difficult to understand and fully comprehend all of the pending legislation providing for a future government for the people of Porto Rico. The House passed a bill providing for tariff duties of 15 per cent on the Dingley tariff on all goods going into Porto Rico from the United States and a similar duty on all goods coming from Porto Rico into the United States. This bill was referred to the Committee on the Pacific Islands and Porto Rico in the Senate and was reported back and embedded in a bill providing for a civil government for the people of Porto Rico, and in this shape is now pending in the Senate. The senior Senator from Ohio introduced a bill providing for a civil government for the people of Porto Rico, and the bill provided a liberal Territorial government for that island, corresponding in every particular with the Territorial governments that have heretofore been organized since the foundation of our Government, and in its leading features is antagonistic to the present bill reported by the committee of which the honorable Senator is chairman.

The bill first introduced by the Senator made the people of Porto Rico citizens of the United States, extended the provisions of the Constitution to the island, and provided for absolute free trade between the people of that island and the United States. The bill now advocated by the Senator deprives the people of that island of the privileges of American citizenship, does not extend the Constitution to the island, fixes tariff duties between the United States and those people, and is an entirely new departure from all Territorial governments heretofore organized since we became a nation. The first bill I shall show later in my argument, if my time will permit, was in keeping with the original message of the President addressed to Congress on this subject.

The principal part of my remarks will be devoted to that feature of the bill now pending before the Senate which provides for tariff duties between the United States and Porto Rico, which practically treats Porto Rico as a foreign country in our relations with the people of that island, for such tariff duties destroy the free and uninterrupted trade relations which ought to exist between us and that island. I shall not attempt to discuss the legal question as to whether the Constitution by virtue of its own force extends to the island. The question I wish to consider is, What policy does justice and right demand that we should pursue in dealing with the people of Porto Rico?

In order to solve this question and to provide a suitable civil government for this people it becomes absolutely essential that we should know something of their habits, desires, and aspirations, and especially their capacity for self-government. The idea has been advanced that they are an ignorant, poverty-stricken people, incapable of taking care of themselves. This island—80 miles in length and 40 in width, containing a population of a million of people, 830,000 of them belonging to the Caucasian race—has a history interesting, instructive, and one of which the people of that island should be proud.

They are a peaceable, law-abiding people, and were even faithful to the parent country—Spain. While at this time they are in financial distress, which is attributable to the unprecedented hurricane which destroyed the products of the island in August, 1898, previous to that time the government of Porto Rico and the people of that island were more than able to take care of themselves. What were their relations with Spain before we acquired sovereignty there? It is a fact that can not be disputed that the people of Porto Rico had been demanding from Spain for more than a quarter of a century autonomous, local self-government and that Spain had acceded to their demands.

Spain had given to the people of Porto Rico the absolute right to govern themselves in their local affairs. Spain gave to them the same representation in the Spanish Cortes that any other citizens of Spain had. The people of Porto Rico had four members in the upper branch of the Spanish Cortes and sixteen in the lower branch. The people of Porto Rico had been contending with Spain for free trade between Spain and that island for many years, in order that the Porto Ricans might have a market for the coffee, sugar, tobacco, and other products. Spain had acceded to this demand. There was practically free trade between Spain and Porto Rico for many years before we acquired the island, the tariff duties being only 10 per cent, and this tariff was to cease on July 1, 1898; so on that day absolute free trade existed between the people of Porto Rico and Spain.

The people of Porto Rico found a ready market for their surplus products both in Cuba and Spain, but now this is not the case, as the tariff duties between Cuba, Spain, and Porto Rico

are really prohibitory, and the people of Porto Rico are compelled to find a market for their goods in the United States, and if we fail to give them free trade they become isolated and are cut off from the markets of the world. The people of Porto Rico during the last quarter of a century took care of themselves financially, and during this period their government never owed a dollar. There were 40,000 slaves on the island and during this same period every one of them was freed, and this was done by the people of Porto Rico, and this same people paid to the owners of the slaves more than \$12,000,000.

They have made a remarkable record. They loaned to Spain time and again from their treasury money to pay the expenses of her numerous wars, and the government of Porto Rico had in its treasury a million and a half of dollars at the time the United States came in possession of this island. This is the remarkable people who gladly accepted American sovereignty and hailed with joy and delight the American flag, and for whom we are now about to legislate. Their past struggles and achievements entitle them to our most favorable consideration, and the American people will demand at the hands of their representatives that no discrimination shall be made against these people, but that they shall be treated as American citizens and clothed with all the rights and privileges due to American citizens.

I am opposed to tariff duties between Porto Rico and the United States, because when Spain ceded this island to us, within a few hundred miles of our coast, a part of the Western Hemisphere, populated by the Caucasian race, who were fully in sympathy with our form of government, we knew this people would expect to become an integral part of our Republic and ask to be treated as any other Territory belonging to the United States, and at every step of our intercourse with them we led them to believe this right would be accorded to them.

The proposition that we will take an island near our doors, populated by our own blood and kindred; own, control, and govern it, a part of our own continent, intended to be under our system of government; require the people of that island to obey the laws and Constitution of the United States, and deprive them of the privilege of free trade and intercourse with the United States, is unjust, conscienceless, and defenseless. To state the proposition to the American people is all that is required to ask its condemnation. I place Porto Rico and Cuba on higher grounds than the Philippine Islands. The location of these islands, their proximity to us, their Caucasian population, especially the population of Porto Rico, lead me to expect that the people of Porto Rico will become valuable and useful citizens of the United States and will at no distant day in the future ask and receive the privileges of statehood.

The proposition that we are to establish a colony or a dependency on the Western Hemisphere, almost within sight of our own country, that shall not enjoy and partake of our free institutions, should stagger the American people. We should remember that these people had struggled with Spain for more than a quarter of a century for free trade and free interchange of products between Spain and the island, which resulted in their demands being granted. Now we take them and begin with them as Spain held them a quarter of a century ago. They will have lost every inch of ground they had gained over Spain in their historic struggle. Should we be surprised that these people now clamor against us and declare that we are cruel, unjust, and that the comparison they now make between us and Spain is to our great disadvantage?

Where will this people find a market for their sugar, coffee, tobacco, and other products, as they are now cut off from the markets of Spain and Cuba, if we build a tariff wall between us and them and deny them the right to sell their goods in our markets free of duties? The proposition that 75,000,000 people with eighty billions of wealth can not afford to come in competition with the handful of people in this little island is cowardly and deserves the contempt of the American people. It is conceded that under the Constitution that no tax or export duty can be laid upon articles exported from any State, but those who favor this tariff claim that the duties under this bill will be collected after the ship arrives in Porto Rico.

Let us illustrate: A vessel leaves Savannah loaded with lumber. She sails for Porto Rico; the tariff duties under this bill say would equal \$500. It is admitted that we could not collect this tariff tax in the port of Savannah, but our friends on the other side claim that after the ship arrives in Porto Rico this rule does not apply; but how any lawyer can see the distinction between collecting the duty when the vessel leaves Savannah or in collecting it after the vessel arrives at Porto Rico I am unable to see. In both cases the same Government collects and uses the money. It is conceded that a vessel sailing from Savannah to New York or to any part of the United States could not be made to pay this tax for the reason that absolute free trade and interchange of products exists between every part of the United States.

Porto Rico, by virtue of a treaty, has been made a part of the United States; still we say the rule applicable to the United States

shall not apply to this island. Again, Mr. President, I am opposed to these discriminating duties, because such a course violates the promises and good faith of our Government to these people. Those who have administered our Government in the past have maintained most scrupulously the sacred honor of the nation. This course has given us a standing and character among the family of nations that challenges the admiration of the civilized world. This people had been taught to believe that our flag carried with it liberty, freedom, and equal opportunity. They had been taught to believe that this great Republic made no distinction between its citizens.

They expected when the American flag was planted on that island and American sovereignty was asserted there that they would become American citizens and enjoy American liberty. They received American government and accepted American supremacy with gladness and joy because they expected American citizenship. When General Miles landed upon their soil he was received with honor as the representative of our Government. He entered the island on July 28, 1898, and issued his proclamation to the people of Porto Rico. What did he say? He said that our soldiers come bearing the banner of freedom to the people of Porto Rico, inspired by noble purpose, to seek the enemies of our country and yours, and to destroy or capture all who are in armed resistance. We bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. We have not come to make war upon the people of the country that for centuries has been oppressed, but, on the contrary, to bring you protection, and not only to yourselves, but to your property, to your prosperity, and to bestow upon you the immunities and blessings of the liberal institutions of our Government. This promise was made to them when we first entered the island and planted our flag there. The provisions of this bill, levying these discriminating duties, refusing them free trade, is a notorious violation of our promise and repudiates our most solemn pledge made at the very beginning of our occupancy of the island.

This promise of justice and to bestow upon them the immunities and blessings of our Government was received by them with enthusiasm and cherished as a blessing which would make them participants in the free institutions of this great Republic. Trace every step of our intercourse with this people from the time we took possession of the island until Congress convened in December last, and they were led to believe that our Government would fulfill these promises. When General Brooke had charge of the island he assured those people that these promises would be kept. He was succeeded by General Henry, and what did he say to the citizens of Porto Rico when he arrived on that island representing the United States?

He said to them: "To-day the flag of the United States floats as an emblem of undisputed authority over the island of Porto Rico, giving promise of protection to life, of liberty, prosperity, and the right to worship God in accordance with the dictates of conscience. The forty-five States represented by the stars, emblazoned on the blue field of that flag, unite in vouchsafing to you prosperity and protection as citizens of the American Union." Mark you, Mr. President, he guaranteed to them that the promises which General Miles had made would be kept and that we would guarantee to them that prosperity and protection due to American citizens.

Now, what reply did the people of Porto Rico make to this promise? They said: "Porto Rico has not accepted American domination on account of force. She has suffered for many years the evil of error, neglect, and persecution, but she had men who studied the question of government and who saw in America her redemption and a guaranty of life, liberty, and justice. There we came willingly and freely, hoping, hand in hand with the greatest of all republics, to advance in civilization and progress and to become part of the Republic, to which we pledge our faith forever." Mark you, they asked a guaranty of life, liberty, and justice and to become a part of this Republic, and we pledged our faith that this promise would be fulfilled.

When General Henry died, he was succeeded by Brigadier-General Davis, who now occupies the position of military governor of that island. He came in daily contact with this people, knew their habits, their wants and desires, and his entire official administration on this island led these people to believe that every promise both General Miles and General Henry had made them would be sacredly kept by the Government of the United States; and so confident was General Davis that these pledges would be fulfilled, when he came to make his report to the President he recommended the removal of all duties on trade between the United States and Porto Rico. These tariff duties now proposed to be levied have a peculiar history.

Never before in the history of our country have so many public men, in so short a time, changed their views as to a certain line of public policy. It is known that the distinguished chairman of the Ways and Means Committee of the House, as an original proposition, was opposed to these duties between the United

States and Porto Rico. It has never been disputed that the distinguished Secretary of War said that the highest consideration of justice and good faith—mark you, Mr. President, good faith—demands that we should not disappoint the confident expectations of sharing in our prosperity with which the people of Porto Rico so gladly transferred their allegiance to the United States and that we should treat the interests of these people as our own, and I wish most strongly to urge that the customs duties between Porto Rico and the United States be removed.

The great Secretary of War knew that the good faith of the United States demanded that the people of Porto Rico should be treated as American citizens.

Congress had been in session for weeks before the unwise and unjust legislation now pending had ever been contemplated. The President of the United States knew of the promises which General Miles had made; he was familiar with the pledges of General Henry to the people of Porto Rico; he had read and considered most carefully in an official way the reports of General Davis, the present military governor of Porto Rico, who recommended absolute free trade between the United States and Porto Rico, and he determined that the good faith of the United States should be kept, and in a solemn message sent to Congress he asked and recommended unconditional free trade between our country and those people.

Not only did the President declare in his message in favor of free trade, but in the same message, embracing 53 pages, he practically recommends the same Territorial form of government for this people, including trial by jury, which we have given to our Territories in our previous history. I know of no other way provided by law for the executive branch of the Government to communicate in an official way with Congress except by official message.

The Constitution of the United States makes it his duty to do so. In the message which he sent to Congress in December last, prepared with great care before Congress convened, when he was fully informed by the report of General Davis of the conditions existing in that island, knowing then full well that we had promised the people of that island all the rights of American citizenship and to make them a part of our country—in pursuance of these sacred promises, after deliberation and with ample time for mature judgment, sent in a solemn message, read in this Chamber, that it was our plain duty to grant free trade to these people with the United States. Now, has the President changed his views?

The newspapers and some of the advocates of this bill inform us that he has. I submit that he has never communicated this fact to us in any official way. I know of no way for the Executive branch to communicate with Congress except by Executive message. I admit he had a right to change his views; he may have good reasons for changing them. But if he has done so it was his official duty to submit to the Senate a message setting forth this fact, giving fully his reasons for this change of faith. We are entitled to have those reasons; they might give valuable information to the Senate. These reasons might shed light on this important question and might aid us in a correct solution of this problem.

The distinguished Speaker of the House of Representatives tells us, in a letter addressed to the public, that the President has changed his views and worked with all his power to pass the bill in the House, and is now doing everything he possibly can to influence Senators to vote for the passage of this measure. It may be true that he has communicated privately with some of the Senators, giving them a reason for his change of views, but there are many of us he has never communicated with on this subject, and until he tells us in an official way that he has changed, setting forth in his message his reasons for the change, we are authorized to presume that he stands by the only official message he has ever sent us on this subject.

The President now stands in favor of absolute free trade between the United States and Porto Rico; and if any Senator has any private information from the President that he repudiates his former position, let us have that information on the floor of the Senate. It is sometimes said, Mr. President, that our first impressions are our best, and generally found to be correct. When Mr. PAYNE, chairman of the Ways and Means Committee of the House, who now favors this unjust measure, first announced his views on Porto Rican affairs, he was for unqualified free trade. So was General Davis, until he learned that the Administration had changed its views; then he coincides with those who are responsible for the measure we have before us.

The distinguished Senator from Ohio spent days and nights in preparing a bill for free trade and citizenship for the people of Porto Rico, giving them all the rights of American citizens, granting to them a most liberal form of Territorial government, thoroughly in harmony with the brilliant and statesmanlike course he has heretofore maintained on the floor of the Senate. The position which he takes, that he has discovered that these people are incapable of self-government and of putting in operation such a Territorial form of government, is not sustained by the facts relat-

ing to their past history and their present condition. When we acquire territory populated by a race of people and force them to submit to American government, and deny them the rights and privileges of American citizens, it necessarily follows that these people will view our action with jealousy and dissatisfaction, resulting in disloyalty to our Government.

It is a fact that can not be disputed that all of our newly acquired possessions except the Hawaiian Islands are hostile to our Government and ready to fly to arms against us. The people of Porto Rico openly declare that we are robbers, and the people of the Philippine Islands cherish a more intense hatred toward us than they ever did toward Spain. The reckless course we have pursued toward our newly acquired possessions has planted in the bosom of those who first bailed the American flag as the emblem of liberty and freedom distrust, antagonism, jealousy, and unrelenting hatred. The only reason the people of the Hawaiian Islands respect and honor our flag is because our course toward them has been a just and liberal one, in keeping with the principles of our free institutions. Why should we not be equally as just with the people of Porto Rico, almost in sight of our doors? Give to the people of Porto Rico American liberty, American freedom, and American opportunity, and then we will preserve American honor, American liberty, and American institutions.

The PRESIDENT pro tempore rapped with the gavel.

Mr. CLAY. My time is out.

Mr. ROSS. Mr. President—

Mr. NELSON. If the Senator from Vermont will yield one moment, I desire to offer an amendment for the purpose of having it pending for a vote at the proper time.

The PRESIDENT pro tempore. The amendment will be received and lie on the table.

Mr. ROSS. Mr. President, I do not rise to discuss the pending measure. I wish briefly to state my position in regard to it, that my vote may not be misunderstood.

By this measure Congress enters upon legislation for the islands recently ceded to this nation by Spain. The terms of the treaty and the condition of the inhabitants render it a step of the greatest importance, which should be taken with care and in the exercise of good judgment and discretion. No mistake should be made. It is easier to avoid than to correct a misstep of such importance. Either the Constitution *ex proprio vigore* entered the island immediately upon the ratification of the treaty, or it did not. Those who hold it did can not consistently demand that the bill should recognize or place it there. If, as I think, it did not, with the knowledge which Congress now has of the condition and aptitude of the inhabitants of the island, it would be unwise at present to extend the Constitution there by an act of Congress. In the present condition it is wise to move slowly, and with steps firmly placed where there will be no occasion for retreating.

The provisions for civil government in the island are liberal and generous. They grant vastly more privileges and rights than the inhabitants have ever enjoyed, and impose no unjust burdens. Such a government is a prime necessity to give stability and restore confidence and prosperity. It must not be expected to work a miracle. It will take time to put it into operation. The conditions in the island are exceptional. The evidence before the committee shows that the inhabitants are divided into two classes. The first includes merchants, planters, and professional men; the second, laborers. There is strictly no middle class. The first class, as a rule, are educated, own property, and are producers. Many of them are not natives of the island. They constitute but a small fraction of the population. The second class are numerous, have little education, are poor, and live on their daily earnings.

No portion of the population has ever exercised the legislative function, and rarely, if at all, the elective franchise. Laws for the island have been enacted at Madrid, and executed by appointees from there. Should the military arm of this nation be withdrawn, a general paralysis in every function of civil government would exist. There would be no executive officers and no revenues. It is evident that the civil government provided for can not be established and put into working order so as to produce revenues in less than two years.

The civil government part of the measure, I think, is wisely planned, carefully guarded, and confers all the rights and privileges which the inhabitants are capable of using. It commands my approval. But the operation of the existing government in the intervening time requires revenues. Without them it will be paralyzed. This nation should not furnish them. The evidence before the committee fully establishes that to provide necessary revenue by enforcing existing laws or by extending the internal-revenue laws of the United States would inflict innumerable hardships and be likely to prove fruitless of the desired result. The revenue provisions of the measure are to exist only until a civil government can be organized and provide them. Then free trade is to exist. I think free trade should be established as soon as it can be in justice to all interests involved. The question which

confronted the committee was what shall be done in the meantime. They recommended this measure.

The foremost industry in the island—the coffee industry—for the time being has been rendered unproductive, if not destroyed, by the hurricane of last August. No revenue can be derived from that source for the next two years. The only industries that will be prosperous in these years are the sugar and tobacco industries. It is just that these should provide most of the required revenues. These industries are worked by labor now commanding from 30 to 50 cents per day. During these years producers of sugar and tobacco can pay the prescribed import tax and yet sell their products in our markets at as great or greater profit than can our home producers. They have no right to be given an advantage over our home producers. So the imposition of the import duties here is equitable and just between the industries of the island, and, if in some slight measure proportional to the amount imported, protective of these industries and the labor element here, not objectionable to me.

I regard, under existing conditions, the establishment of the beet-sugar industry in the States of great importance. If firmly established, it will furnish employment to many laborers, an enlarged home market for our surplus products, and keep at home millions of money which now go abroad to pay for sugar products in foreign lands.

The duties thus raised are all appropriated for the benefit of the island. The products of the island are not required to contribute a dollar to the expenses of maintaining this Government. In this respect the inhabitants of the island are more generously treated than are the citizens of the States. This part of the revenue measure is just and equitable to the inhabitants of the island, and in the line of protection to our beet-sugar and tobacco industries and to our well-paid laborers against the cheap labor of the island. This part of the revenue measure has my approval.

The raising of revenue on products produced in the United States in the manner provided in the bill does not meet with my approval. I do not like to have this nation take a step in the direction of George III, even for the short time while there is no civil government to raise revenue for the island. It has become an established fact of history that religious liberty and representation in taxation are the main seed germs from which government by the people springs. I am aware that the colonies had organized legislative powers when the repulsive tax of King George was imposed; also the purposes of this tax are quite different, yet I would prefer to avoid imposing it; but if while civil government is being organized revenue of this class is to be raised, I would prefer to tax all products going from the States into the island. I would not discriminate between different classes of these products. I would not tax some and allow others to enter free from taxation. I think such discrimination is unwise, if not illegal. Under the circumstances such discrimination seems necessary unless all such products are allowed to enter free. It would be inconsistent to place a tax on the necessities of life imported into the island from the States when its inhabitants are so poor and so necessitous that Congress has just donated over two millions of money for their relief. I should prefer that all our products should enter the island free. For these reasons this part of the measure does not command my approval.

But as long as a consensus of a majority of this body is necessary for the passage of any measure it is evident that no Senator has the right to insist that important measures shall conform in all respects with his judgment before he will vote for them. Such a rule would defeat the purposes of government. If such measures are in the main fitted to accomplish the end demanded, he should yield his judgment in regard to less important features and give them his support. For these reasons, briefly expressed, I shall vote for the pending measure.

Mr. TELLER. Mr. President, I do not intend to enter into a general discussion of this question which has been before the Senate so long. Having been absent from the Chamber for nearly three weeks in executing an order of the Senate, I have not had an opportunity to express my views, and so I take this occasion to briefly state why I shall vote against the pending bill.

I shall not vote against it, Mr. President, because it contains a provision for an import duty on Porto Rican goods coming into the United States. I am not objecting to that. Unless the people of Porto Rico are citizens of the United States and Porto Rico is a part of the United States we have an undoubted right to impose such a duty. I think this bill will make Porto Rico an integral part of the United States, and that we shall be under obligations to treat that people as we treat the people in our Territories. Should we conclude later that we do not care to take upon ourselves the burden of caring for those people, we should be somewhat embarrassed in trying to get rid of them.

I know very well that as to that island and other island possessions which have come to us through the war with Spain, we are not to release entirely our control over them. I believe it would be wiser for us to take the people of Porto Rico and to consult

them as to the character of government they wish to establish; a government for them, to be composed of their own people, and to set them to work to try the experiment of self-government, saying to all the world, "These people are under our protection and under our care, and we will not allow you to interfere with them in the slightest degree." In other words, I would do for Porto Rico what we propose to do, and what I believe we shall do, for the island of Cuba.

I do not myself desire that the people of Porto Rico shall be incorporated into the United States as a portion of the United States. I do not think it would be an injustice to them, if they decline to accept a government of their own, if we hold a relation to them different from what we hold with reference to those portions of the country of which we expect ultimately to make States. I believe we have ample power to maintain a colony if we see fit. I believe we have ample power to legislate for those people without making them a part of the United States, and that we are not bound by the Constitution in the sense that we are when we deal with Territories that are ultimately to become States.

When I say we have unlimited power to legislate, I do not mean that Congress can go to the extent which has been suggested. I understand that there are certain great natural principles, inherent principles of justice, that must bind and restrict every legislative body, which are not derived from any constitution, but, as I said before, from the natural principles of justice. There are many things which we must refrain from doing that we are not prohibited from doing by the Constitution, in my judgment. The principles that bind this body as to legislation were in existence before the Constitution was adopted. They came down to us with the English law; they were as much a part and parcel of the law of the land as they were after they had been inserted in the Constitution, and they would have been if they never had been put in the Constitution. As suggested by the Senator from Minnesota [Mr. DAVIS], they were but declaratory of existing law, of existing fundamental principles, that must be considered and recognized by the legislature of a free government.

Mr. President, I do not consider it inconsistent with that position, or with any position that this Republic has ever adopted, that we should have a condition with reference to Porto Rico, which never existed as to any other section of this country. That we have a right to establish a colony and to govern it precisely as may appear to us just and right I have not any doubt. I would not have a colony governed according to the old English idea of governing colonies one hundred years ago. I would give to the people of an American colony the right of self-government, and I would recognize that great fundamental principle that existed long before the Declaration of Independence, that all just powers of government are derived from the consent of the governed. Out of that grew republics, and if we keep that history in view, I think we may maintain republics, and we can not maintain republics unless we do.

There has been a great deal said about what we owe to Porto Rico. Mr. President, we owe absolutely nothing to Porto Rico except justice. We have entered into no arrangement with them, and made no promises to them, either through the Commanding General of the Army or the President or anybody else. This whole matter is with this body and with the other—with the Congress of the United States—by the very words of the treaty. The treaty might have made citizens of the Porto Ricans; the treaty might have put us under obligations to them; but the treaty did not. Ex industria the Peace Commission said the political status of those people shall be determined by Congress. That leaves us absolute control over them.

When a Senator stands here and says that those people are entitled to the same treatment to which the people of Oklahoma are entitled, he goes upon the theory, I suppose, that they are already citizens of the United States and that Porto Rico is a part of the United States. That is the controversy between us. That I deny. From my standpoint that is not correct. If that were so, I should join with Senators who have been declaring that we should treat those people as we treat the people of our Territories.

I do not mean to say that we have not the power to exact from them, even if they are a part of the United States, until they become States, a duty on their imports into the United States; but I say it would be a very anomalous condition, and one that I should not like to see, and certainly one that I should never favor. If it were admitted that we had the power to tax the citizens of Oklahoma, of Arizona, and of Alaska, I for one should not be willing to do it under any circumstances, and because I do not want to be in that position I do not intend to vote for this bill, which I think makes the relation between the people of Porto Rico and us of the same character as that which exists between us and the people of Oklahoma.

I want to say distinctly, Mr. President, that I am not opposed to the tariff provision. If we had a colony, we might impose such a duty upon it as we saw fit, or we might give it free trade if we saw fit. I should think very likely, if we had a colony, it might be

to our interest and to theirs that they should have free trade. That, however, would be a matter for future consideration.

I think it is unfortunate that we have attempted at this time to legislate upon this subject. I do not mean to say it offensively, but it is apparent to everybody that this bill has been a plaything of politics here. On one side the Republicans have been trying to make capital out of it, and, as a matter of course, the other side have tried to make capital against it. I believe if we had waited until after the coming Presidential election, we could have sat down here deliberately, with less temptation to draw it into politics than we have had; and we might have secured legislation better than we are likely to secure under present conditions.

I think by that time we could have determined whether we wanted to create in Porto Rico an independent government, or whether we wished to annex the island. If we annex that island, we must make it ultimately a State. There is a population there of a million, enough for a large State; and if they are proper subjects of annexation, to be brought into the body politic and made citizens of the United States, I do not know how you are going to deny them statehood. We have denied statehood to the people of New Mexico for fifty years, and there has been a feeling on their part that we have done great injustice to them. There are many people who live outside of New Mexico who feel in the same way. The New Mexicans are not as well qualified for the maintenance of a State government upon as high a plane as the people of some of the States in existence or of some of the other Territories, perhaps; yet they had a right to suppose, because the treaty required us ultimately at some time or other to make them a State, that we would do so.

I believe that you will find if you do not take Porto Rico into the Union as a State, there will be ultimately a great deal of dissatisfaction and discontent, and to avoid that we shall ultimately have to take them into the Union when they are unfit to participate with us in the administration of national affairs. When I say that, I do not mean to say that they are unfit for self-government. I want to repeat what I have said previously. There are very few people in the world who are not fit for self-government, and the people of Porto Rico are fit for self-government to-day, with such assistance as we can give them, to establish a Territorial government, if we think that is best, or to establish an independent government, if we should conclude that is best, under our protectorate and protecting care. The question is prematurely here, in my opinion.

I am going to vote against this bill because there are features in it that I dislike, that I think are unwise from any standpoint, and because I believe when we shall have concluded this session of Congress and we come here again, with the great political campaign disposed of, no matter who shall be elected, we shall be in better condition to legislate righteously and justly than we now are.

Mr. BACON. Mr. President, I desire to call the attention of the Senate only to one or two points in the closing hour of this debate. I think it is a matter of considerable importance to mark the evolution of this bill in the steps by which it has arrived at its present stage.

The original bill, so far as the Senate is concerned, was a bill establishing a free Territorial government for Porto Rico, as we understand that term; in other words, it had substantially all the provisions which are usual in the acts organizing Territories in the United States. Those people were declared to be citizens. Provisions were contained in that bill by which the supremacy of the Constitution, in all of its protecting features, as well as in its other features, was recognized.

The people of the island were required to support the Constitution of the United States; they were prohibited from passing any law which was in conflict with the Constitution; they were allowed a Delegate in Congress, and to them was extended all the tariff and internal-revenue laws of the United States. That was the original bill. That was a bill, which, so far as I know, commanded the universal approval of all Senators on both sides of the Chamber. The passage of that bill was recognized as the proper thing to do. If there was a word of objection to it I failed to hear it. I certainly had none myself; and I have demonstrated the fact of my approval by having offered it as a substitute for the pending bill.

It was not until some time after that bill had been before the Senate—a bill in entire accord with the recommendation of the President of the United States as to what should be the revenue and tariff relations between Porto Rico and the United States—it was not, I say, until some time after that that the suggestion was made that there should be a tariff between Porto Rico and the United States, and the original bill was brought back to the Senate with certain amendments. It is to those successive amendments that I desire to call the attention of the Senate, for the purpose of marking, as I say, the evolution by which from the original bill the pending bill has been put into its present shape.

When the suggestion was made that there should be a tariff, it was recognized that there must be some changes in the bill, be-

cause it was not thought that as between citizens of the United States we could erect a tariff wall. The original bill expressly declared that the Porto Ricans should be citizens; the original bill, as I said, provided for entire free trade. The bill went back to the committee, and when it came back from the committee, with the provision in reference to free trade stricken out and making provision for a tariff, it still contained the provision that the people of Porto Rico should be citizens of the United States, and it still contained the provision that they should have a Delegate in Congress. When that matter came up for discussion and amendments were offered by the Senator from Ohio, it was pointed out that it would be utterly inconsistent with the establishment of a tariff between Porto Rico and the United States for the inhabitants of Porto Rico still to be citizens of the United States and still to have a Delegate in Congress. So that for the third time the bill went back to the committee, and it now returns from the committee in those particulars changed; and the bill is presented with a provision that the Porto Ricans shall not be citizens of the United States, and that, instead of a Delegate in Congress, there shall be a commissioner sent here, who shall have access to the various departments of the Government.

The purpose I have, Mr. President, in calling attention to this is this: That all of the changes in this bill by which it has been converted from a bill which would have organized an entirely free Territory, in all of the various features that free Territories have, into a bill from which all of these free features have been stricken, have been necessitated by the fact that it was necessary to do so in order that a tariff should be established between Porto Rico and the United States. Every feature of a free Territorial government has been sacrificed in order that a tariff may be enforced against Porto Rico.

The Senator from Wisconsin [Mr. SPOONER] on yesterday said that the original bill, offered by the Senator from Ohio, was "a brutal bill;" that was the expression of the Senator from Wisconsin, that it was "a brutal bill," and the evidence of the fact that it was a brutal bill was stated by him to be the effect it would have upon the cost of cigars and cigarrettes in Porto Rico, if I understood him correctly. According to the calculation made by the Senator, the brutality of that bill would have consisted in the fact that a cigar would cost about one-third of a cent more than it would in the absence of it, and a cigarette possibly one-twentieth of a cent more than it would if the internal-revenue laws of the United States were not in force in Porto Rico. I asked the Senator to permit me to read yesterday what the Porto Ricans themselves said on that subject in an address to Congress made by planters, merchants, and manufacturers of Porto Rico at San Juan, March 12, 1900. They used this language:

It is a fact—

Speaking now of the proposition of levying a 12 per cent tariff duty—

It is a fact that no class of goods produced here from leaf tobacco will be taxed less than 25 per cent ad valorem, while one of the most important of this class will be taxed 160 per cent ad valorem under the bill adopted by the House of Representatives.

So, Mr. President, it appears from the calculations that the Porto Ricans themselves have made that the proposition to tax 12 per cent of the Dingley law is a much more brutal one than the proposition to have applied to them the internal-revenue laws of the United States. They themselves go on and make the calculation that, under the internal-revenue laws of the United States, sufficient revenue would be raised for the purpose of defraying the expenses of the island.

The Senator from Wisconsin said that the situation was pathetic. That is true, Mr. President; and the main purpose I had in rising was to call attention to the fact that the disappointment of that people, their disappointment in not realizing their expectations, their disappointment in that which they now see is to be meted out to them, is indeed pathetic.

Mr. President, I hold in my hand a handbill which was brought to this country by an official of the United States. It is in Spanish, and was said by him to be one of thousands of handbills which were distributed in San Juan on the 7th of February, 1899, calling for a meeting of Porto Ricans to rejoice over the fact that, as they then thought, they had become citizens of the United States. I desire to ask that this original paper be printed in the RECORD.

Al Pueblo Puertorriqueño:

El senado de Washington ha ratificado el Tratado de la paz. De modo que Puerto-Rico se incorpora definitivamente a los Estados Unidos de América. Somos pues, con legítimo orgullo, ciudadanos de esa gran Nación, la mas libre, democrática y próspera del mundo civilizado.

Para festejar tan grandioso acontecimiento, se invita a todo el mundo para que se reuna esta tarde a las cinco en la Plaza de Colón, a formar una manifestación que irá por la calle de la Fortaleza hasta el Palacio del General Henry, a saludarlo como dignísimo representante del Gobierno federal, y volver a la Plaza Principal en donde se disolverá la reunión.

Puertorriqueños:

"Viva los Estados Unidos de América!"

"Viva Puerto-Rico americano!"

San Juan, 7 Febrero, 1899.

LA COMISION.

Imprenta El Pais.

I will read what is a translation of that handbill:

To the Porto Rican people—

This is dated San Juan, February 7, 1899; and, as I say, was a handbill, which was scattered all over that town for the purpose of calling a public meeting to rejoice at their new changed relations with the United States.

To the Porto Rican people:

The Senate of Washington has ratified the treaty of peace. So that Porto Rico—

Mr. SPOONER. Mr. President, if the Senator will allow me, may I ask who signed the handbill?

Mr. BACON. It is simply a handbill signed by a committee. Does the Senator understand that I am reading this as any pledge given to the Porto Rican people by anybody?

Mr. SPOONER. I did not understand why the Senator was reading it.

Mr. BACON. The reason the Senator did not understand it was that when I made my explanation he was talking to somebody else instead of listening to me.

Mr. SPOONER. What was the explanation the Senator was making?

Mr. BACON. The explanation I made was that the Senator from Wisconsin had spoken of the brutality of the original bill—

Mr. SPOONER. Well, I take nothing back about that.

Mr. BACON. I understand that; but the Senator asked me a question, and I am endeavoring to answer it, if he will permit me. I had further quoted the Senator as saying that the situation was pathetic. The Senator will probably recollect having used that word.

Mr. SPOONER. I do not withdraw it.

Mr. BACON. Of course not. And I was agreeing with the Senator that it was very pathetic.

Mr. SPOONER. Yes.

Mr. BACON. And I was instancing the fact that one of the most pathetic features was the disappointment of these people, who had rejoiced in the fact that they were about to be incorporated as citizens of the United States, and now they are to be disappointed by it being held that they are not citizens of the United States.

Mr. SPOONER. By what is their disappointment evidenced?

Mr. BACON. I am sorry the Senator requires me to repeat it. I suppose I will have it to do.

Mr. SPOONER. Is it evidenced by this handbill?

Mr. BACON. I stated, if the Senator will now let me have his attention—

Mr. SPOONER. I will.

Mr. BACON. I stated that this handbill was in Spanish; that it was an original handbill which had been brought from Porto Rico by a gentleman who was an official of the United States, and who vouches for the fact that hundreds of them were, on the 7th of February, 1899, scattered over the town of San Juan, in the island of Porto Rico, calling for a public meeting to rejoice over the fact that by the ratification of the treaty they had become citizens of the United States.

Mr. SPOONER. Will the Senator allow me? I never before understood that the scattering of a handbill through a country was evidence of anything except the scattering of the handbill.

Mr. BACON. I do not understand it now, except that it is evidence of what the people themselves thought. I am speaking of the disappointment of the people.

Mr. SPOONER. No; it is evidence of what the men who drew the handbill and scattered it thought.

Mr. BACON. Certainly; and the community at large in responding to that handbill necessarily indorsed its sentiment. The Senator, I presume, wants to make it appear that I am producing a handbill here as an authority. I certainly am not. I am simply calling attention to the fact that these people, who are now not to be citizens, rejoiced when they thought they were to be citizens, and they called a public meeting for the purpose of giving expression to their joy at the prospect. That is the sole purpose of it. I shall ask, when it comes to be printed in the RECORD, while of course its reading has been interrupted, that it may be printed as a continuous document. I suppose the Senator will have no objection to that.

Mr. SPOONER. No.

Mr. BACON. I am afraid before I get through reading it, while I never object to an interruption from the learned Senator, that the fifteen minutes will have expired, and I will not have the opportunity to read it.

Mr. SPOONER. I beg pardon.

Mr. BACON. Mr. President, it is very short, and I will read it as the conclusion of my remarks:

To the Porto Rican people:

The Senate of Washington has ratified the treaty of peace, so that Porto Rico is definitely incorporated with the United States of America. We are, then, with legitimate pride, citizens of that great nation—the freest, most democratic and prosperous of the civilized world.

To celebrate such a magnificent occurrence, everybody is invited to assemble this evening at 5 in Columbus square to form a parade, which will go by way of Fortress street to the palace of General Henry to salute him as the most dignified representative of the Federal Government, and to return to the Central square, where the assembly will be dissolved.

Porto Ricans:

Long live the United States of America! Long live America and Porto Rico!

San Juan, February 7, 1899.

THE COMMISSION.

Mr. President, if my time has not expired, I will say just one word more. The situation is not simply pathetic. There is a very tragic feature to it. Do we realize that to-day when this bill passes we will have enacted the first law, so far as the Senate is concerned, ever enacted in the United States by which those under the authority and jurisdiction of the United States are solemnly declared not to be citizens of the United States? Mr. President, it is a historic occasion when this bill will have passed, as I doubt not it will. It will not simply be the specter of imperialism which we have been recognizing as in our midst for eighteen months past, but it will be here in the substance and in the reality. I am glad that not only with Democrats, but with Senators of all parties in this Chamber it will be my good fortune to-day to be able to cast my vote against such a bill.

Mr. WELLINGTON. Mr. President, our Republic has grown from the thirteen colonies comprising its original domain to magnificent proportions. Forty-five Commonwealths are united in one nation, and incorporated with them are several Territories.

The enlargement of our country was rapid; the march of civilization to the westward swift and splendid. First the several States ceded to the National Government certain of their lands, and the Northwestern and Southwestern Territories were formed. They were divided, State governments erected, Commonwealths created and admitted into the Union, until these Territories were entirely absorbed.

Other States were taken into the Federal Union after being carved from the territory acquired by purchase from France and Spain; others still by discovery and settlement. Texas, a part of the Mexican Republic, by revolution broke the bonds that bound it, established a separate government, and asked admission into the United States. The Mexican war ensued, and as a result Texas became American territory. Thus in various ways there was a development of the wilderness into States and the building of capitals in waste places with marvelous celerity. Previous to the acquisition of Alaska, acquired by purchase from Russia, the territory added was in every instance adjacent and contiguous to the main body of land of the United States.

The Spanish-American war caused a change of policy by the necessities arising therefrom, and, as a war measure, Hawaii was added to the American dominion. As a result of the Spanish war the island of Porto Rico became American soil. The inhabitants submitted to American arms without resistance, and many of them hailed our coming as the beginning of a new era, in which freedom and prosperity were to be their portion after many years of misgovernment and tyranny under Spanish rule. By the treaty of Paris the island was ceded to our Government. It was Spanish territory before the cession; it became American territory by the submission of the people and the cession of the Spanish monarchy. But until Congress would establish a civil government, the military power prevails, as has been the case in other territories added to our jurisdiction.

At the close of the Spanish war it became evident that problems of great importance must be solved by our Government through the executive and legislative authorities, inasmuch as the acquisition of the new territories, our island possessions, both in the Caribbean Sea and Asiatic waters, placed the American flag far beyond our mainland, multiplied and diversified American interests, charged the nation with new duties, and enlarged the field of American commerce and trade. Responsibilities having thus thrust themselves upon us, it became the task of the law-making power of the Government to meet the obligations which, under these conditions, were due to ourselves and the various other elements which had entered into the situation.

Congress, when it convened in December of the past year, recognized this obligation and prepared to meet the demands of the present time by the organization of new committees in both Houses whose duty it would be to prepare such legislation for the several islands as would conduce to the general welfare of the new citizenship and to the advantage, prosperity, and progress of the whole country. One of the most important committees created was that over which the distinguished Senator from Ohio presides. In compliance with the duty he had assumed, the honorable Senator prepared a bill for the purpose of providing civil government for Porto Rico, establishing American authority, and extending the revenue and tariff laws to the island. I hold in my hand a copy of the bill introduced into the Senate on January 3 of this year by the Senator from Ohio, the title of which is "A bill to provide a government for the island of Porto Rico, and for other purposes." This bill was the outcome of much thought

and labor, and to my mind sought the creation of an equitable, just, and constitutional form of government for the island. It gives evidence of careful preparation by an intelligent and statesmanlike mind. It bears the traces of deep study, vast information, and thorough knowledge of constitutional law, but above and beyond this is apparent patriotic spirit, noble sentiment, and fair intention.

✓ This bill recognized the inhabitants of Porto Rico as citizens of the United States. It carried the laws of the American Republic relating to commerce, navigation, and merchant marine to the island and its environing waters. It extended the tariff laws and revenue enactments of our land to the new territory and declared the Constitution and laws of the United States locally applicable to be in force in Porto Rico. It established judicial tribunals, sought to erect local self-government by an island legislature, and provided for the election of a Territorial Delegate to the Congress of the United States. To this bill I give my unqualified commendation and would find pleasure in supporting it by voice and vote, for it contemplates a scheme of government under the Constitution, wise, beneficent, and just. It seeks to place Porto Rico into the bosom of a fraternity of States upon the same plane as the Territory of Arizona or Oklahoma. For such a measure I would vote to-day with joyous alacrity. For such a law I would follow the lead of the Senator from Ohio and give him my humble effort to aid in its passage.

At this point an inquiry becomes pertinent. Why was this bill prepared? I am not in the confidence of the Senator from Ohio, but I am justified by the face of the bill itself, and by surrounding circumstances, in saying that it was prepared and submitted because the situation demanded action, and the Administration had signified in unmistakable, emphatic, and unequivocal language that it was the "plain duty" of our Government to pass such an act. But, sir, this bill has been discarded; it has been relegated to the wastebasket and is to meet the same fate that comes to thousands of other bills hurriedly prepared, ill-digested, and never intended for passage or enactment, over which the waves of legislative oblivion roll and "they are heard of no more forever." "A change came o'er the spirit of our dream."

The influences which produced this change of purpose I may not now discuss. Some subtle power, however, did cause a transformation, and the authority which had, in accordance with the Constitution, duly proclaimed "the plain duty of Congress" to recognize Porto Rico as a Territory and apply our tariff laws was persuaded to turn about face, renounce its avowal, cast aside its purpose, and pursue a new policy, which stood in direct contravention of its own previous emphatic declaration. It was indeed a curious spectacle and the country stood astonished at the consummation of a political somersault the like of which had not been witnessed in a generation. They failed to grasp or understand the reason for its perpetration and began to utter sounds of disapproval. The people all over the country have done so. Turn to the West and you will find it as the legislature of Iowa has already given voice. Turn to the East and you will find it according to the great meeting held in Rhode Island the other day. Sir, I ask that an account of the meeting held in Rhode Island be inserted as a part of my remarks.

[New York Sun, Sunday, April 1, 1900.]

SPEAK FOR PORTO RICO—RHODE ISLAND REPUBLICANS DISCUSS THE ISLAND'S NEEDS—GOVERNOR DYER SAYS THAT RAISING A TARIFF BARRIER IS AN "OUTRAGEOUS TRANSACTION"—ADDS THAT RHODE ISLAND MIGHT AS JUSTLY PLACE A DUTY ON BLOCK ISLAND FISH.

PROVIDENCE, R. I., March 31, 1900.

At the ante-election dinner of the representatives of the Republican party held here to-day the speeches of Governor Elisha Dyer and Congressman ADIN B. CAPRON pertaining to the Porto Rican question were received enthusiastically by the large gathering present, which represented every city and town in the State. Governor Dyer said:

"I believe it is the duty of every Republican to stand up, and with no uncertain sound condemn any course of procedure by Congress which brings into question the honor of the American nation toward those new peoples who have come under its protection. In the very beginning of the war with Spain, when it was uncertain what the result would be so far as added territory was concerned, the United States went to Porto Rico; it made no excuse that the island had been misgoverned by Spanish rule; it made no apologies; it said the island of Porto Rico is the gateway to the Antilles. To treat these people now as if they were aliens, as if they had no rights at all, to have gone over and taken possession of their island, to set up our own Government, and then to impose duties upon them just as we would upon the people of Haiti or Santo Domingo, is one of the most outrageous transactions that could be thought of.

"It is most encouraging that so many of the men who mold public opinion have taken the stand they have. It is not a question of constitutional right; it is a question of simple justice. Nations have moral obligations resting upon them as well as individuals. God forbid that any peoples should have to say that they preferred Spanish rule and that they trusted more in Spanish honor than they did in the honor of the United States.

"The Republican party has always been loyal to the principles it has enunciated. I believe there is to-day sufficient manhood in the party to stand up and not only protest against but to refuse support to any men or any measures not absolutely committed to the principles of national justice and national honor.

"What a spectacle it will be to European nations, that this people, having been conquered by us and brought into our field, should be treated as strangers, and taxed without reason for bringing their products into our ports. We might just as well tax the people of Block Island for the fish and farm

products they send to the mainland as to tax these people of Porto Rico for what they bring to us. This question is one in which every Republican should be interested. I believe that before the time comes for the meeting of the national convention in Philadelphia this question will be settled, and settled with justice and honor, not only to ourselves but to the people who by every moral right should be a part of our nation."

Congressman CAPRON said he did not believe that the people who sent him to Congress desired him to truckle to any authority, however autocratic, so long as he believed his course to be right, and he did not think they would do other than spurn him if he did that. He had been glad with his vote and voice to stand for honest money, and that has been enacted into law. He was also glad to stand for American honor and American courage along the lines suggested in regard to the new territorial possessions which have come as a result of war, and on the question of the "plain duty" to the people of Porto Rico. He added:

"Up to the time the President's message was promulgated, at the beginning of December last, there was no question that we would do what was right in regard to Porto Rico. The people of the United States have a solemn duty to perform toward the people of Porto Rico, and I do not think Congress had any desire to shirk it. During the autumn the terrible tornado swept over the island and destroyed crops and a large amount of property, and the people were left in a hopeless condition.

"The conditions came to the knowledge of the members of Congress little by little, and so the President in his message said, 'It is our plain duty to give the blessings of free trade to the island of Porto Rico.' Then we began to find out that the people were in a deplorable condition, more so than we had imagined. The military commander of the island came to Washington and said that the island needed the advantages of free trade with the United States. Everybody agreed with him and everybody agrees with him now."

The people did not understand and the people would not follow. It has been said that in these matters and changes there has been a lobby here for free trade, as you call it. I am not one of the committee, but I can say that if there has been a lobby it has not been in favor of free trade. I ask the members of the committee whether or not I tell the truth. I challenge a contradiction of the statement.

In the House of Representatives—the popular branch of the National Legislature—a bill was introduced placing a 15 per cent duty upon commerce as between Porto Rico and other portions of the United States. It will be observed that this proposition was at variance with the recommendation of the President's message; it was in direct violation of it, yet in a mysterious manner it began to be whispered that this bill was satisfactory to the Administration, and that Republican members would do well to support it. It was in danger of defeat. It was so evidently unjust that rebellion was threatened in the party ranks.

The highest thought and clearest judgment within the party condemned it, but the lash was applied, the Administration called its every prerogative into service, and with few exceptions the Republican membership of the House of Representatives placed itself upon record in favor of the bill, which, in my humble judgment, transgresses every principle of national honor, of patriotism, good faith, and benevolence. And, sir, this bill, in due course, found its way to the Senate, and was received here with the appeal that it must pass in order to save the Administration from defeat. Forthwith assault was made upon the Senator from Ohio. He was informed that he must make his bill for civil government in Porto Rico conform to the House bill. He was told party policy demanded this concession, and that all else must subserve to the political fortunes and interests of the party. I am quite sure that his own opinion was averse; that his sense of honor caused him to hesitate; but he finally yielded to the intense pressure which came from the circles that scintillate about the center of Government, and, in accordance with the wish of the majority of his party in the Senate, consented to embody the House bill, which laid this duty, in his civil-government bill and to strike out of his own bill the provision he had originally drafted.

Having conceded this, it became necessary to make other changes. He was forced to strike out the section declaring Porto Ricans to be citizens of the United States and in lieu thereof insert "citizens of Porto Rico, and as such entitled to the protection of the United States." For, sir, if the inhabitants of Porto Rico were citizens of the United States, how would we dare place the impost duties of the House bill upon them?

Other transformations were had until the civil government bill of the Senator from Ohio became a new bill, with a purpose entirely different from and in antagonism with the original. But, sir, this was not all. When this bill, after its transformation, was submitted to Republican Senators insurrection was the consequence. It became evident that the House bill provisions could not pass as embodied in the civil government bill, and again amendment was made, and the legislative monstrosity now before us was brought forth with the evident purpose of obtaining a sufficient number of votes to pass it in the Senate. It was at this point that I was compelled to refuse to follow the dictation of the majority and array myself for conscience' sake with the minority of the Republican party, and I deem it but just to myself and fair to the constituency I represent to submit the reasons for my action and to declare the faith that is in me.

My ideas of the principles upon which our Government is founded; my desire to preserve from blot or stain the national escutcheon; my remembrance of the solemn and oft-repeated promise of the American authority to the inhabitants of Porto

Rico; my devotion to the Constitution as I understand it; my purpose to act justly, benevolently, and, if need be, charitably toward my new fellow-citizens, each and all rebel and rise up in outraged indignation at the attempted injustice of this bill. I can not support it. I refuse to give my adherence to it. No influence shall persuade, no authority shall control me or cause me to favor it. I oppose it with all the vehemence of a positive nature. I have been a Republican ever since I can remember. The years of my youth and manhood have been dedicated to the service of the Republican party. In company with a determined band of fraters of my political faith, I labored unceasingly until my beloved State was redeemed from Democratic domination. I gave the best years of my life to this endeavor, which was crowned with superb success. I have loved and served the Republican party because I believed in the warp and woof of its victory were bound up the advancement and progress of my country, the elevation of men, and the perpetuity of self-government. But, sir, I am not charmed by a name when the principle be lost.

A rose by any other name would smell as sweet.

The Republican party by its name can not lead me against my conviction to do that which I believe to be unrighteous and unjust. I will not follow upon the new adventure which would compel me to discard at the first step the noble sentiment which I have ever held to be the strongest reason for the existence of the Republican party.

Sir, I oppose this bill for the reason that it seeks to impose a tax upon citizens of the United States in Porto Rico in defiance of the principles upon which our Government is founded.

It is passing strange how history repeats itself. This contention takes us backward to the American Revolution, which was caused by the attempt of the British Parliament to impose an unwarranted tax upon the American colonies. Can we forget the undaunted courage of the Revolutionary fathers when they refused submission? Does not their cry ring down through a century and a quarter of years and declare to us now, as it did to England then, "No taxation without representation." "Millions for defense; not one penny for tribute?"

Do you remember the appeal of the British ministers to the colonies, that they forget not love to their mother country and urging that this tax was imposed for the benefit of the colonies, adverting to the amendment which pledged all duties collected to be returned and used for colonial purposes?

But the men of that day remained firm in their devotion to their conception of right; they defied the power of the English Parliament to impose revenue or import duties upon them without their consent. Is not this a parallel case? I stand by the doctrine advocated by Washington, Jefferson, Franklin, Madison, and that host of illustrious men who guided the infant nation from a prostrate condition to self-government. They created a nation upon this principle, not to stand for a day or a generation and to be of advantage only to themselves, but for the boundless and unnumbered years of the future, as a heritage to all mankind.

And, sir, if this be true, should we, their inheritors, attempt to tax without representation or consent the inhabitants of our Territory of Porto Rico? I for one will not aid in it. I register my protest against it and warn you of the retribution that must come to a Republic which would practice tyranny and oppression upon a people who came to it having confidence in our asseveration of friendship and our promise of liberty and self-government, and who are entitled to the same measure of freedom which our fathers established and defended. They are as much citizens of our land as were the Texans when they came into the Union. Texas was invaded by American forces, the people received them with open arms; they desired their protection. After the war Mexico ceded the territory to us. Did we not accept them? Was Texas not admitted as a State and its citizens, as citizens of the United States, permitted to enjoy the privileges of that condition? Did we not invade Porto Rico; did not the people hail our coming; did not Spain cede the island to us; did we not promise to bestow upon them "the immunities and blessings of the liberal institutions of our Government?" Are they less entitled than the inhabitants of Texas to the advantages we can give?

Compromise has been spoken of. There can be no compromise. It is not a matter of mathematics, of percentage, or schedules; it is a matter of principle, and principle should not be compromised. A duty of 1 per cent would be as objectionable to me as a duty of 15 per cent, and a duty of 15 per cent is no more objectionable to me than would be one of 50 or 100 per cent of the Dingley tariff rates. I contend that the people of Porto Rico are inhabitants of the United States and should as quickly as possible be placed in such a situation as will cause them to bear the same burdens that the citizens of the United States in Maryland or New York or Arizona bear, and no more.

It may be said that this would be taxing them without representation and without their consent. In answer I would say that

the impost duties of the Dingley bill and the revenue laws of the United States were in force in this country when Porto Rico became a part of our territory. The people accepted the conditions then existing, and their acceptance of them was a consent to assume the burdens which were then imposed upon American citizenship.

Having thus briefly stated my first reason for opposition to this bill, I will proceed to the second. I believe the imposition of this tax, even if it were not in violation of the basic principle of our Government, would still be indefensible for the reason that it would be a stain upon the national honor. An individual who makes a promise, whether it be upon his word or in a written bond, should perform the stipulations both in their letter and spirit, and the same code of honor that applies to the individual should obtain also with the nation.

When the people of Porto Rico submitted to American arms, General Miles, commanding the invading army, by proclamation made certain promises, which were hailed by general acclamation upon the part of our people and were accepted in good faith by the inhabitants of Porto Rico.

I maintain it is beneath the dignity of a great nation, by its representatives, commanding its armies and empowered in a military capacity to perform certain acts, to make promises and pledges to a people weak and defenseless who submitted, trusting to the honor of their conquerors, to break the promises made or to fail in the fulfillment of the pledges given by the Commanding General of their Army. Especially so when the whole nation acquiesced and the President gave consent, not by silence, but by positive indorsements, and, as above mentioned, in his annual message to Congress recommended as "the plain duty" of the nation to carry into effect by its acts the promises given. Are we ready to stand among the nations of the earth, after having thus made solemn promises, branded for a breach of faith toward this island for a gain so inconsiderable that even the most unscrupulous of men or avaricious of nations should hesitate before entering upon such a transaction?

We would not dare break faith with a great and powerful nation. Surely we may be brave enough to keep our word to these islanders, whom by the fortunes of war we have deprived of their former markets, of the part and portion they had in the Spanish Government, and in return for what they have lost give them not only justly but generously and demonstrate to the world that we love not freedom in selfish purpose or only for ourselves, but that our desire is that the haven of liberty shall go forth even to the islands of the sea.

Even if there were disadvantage and positive loss, it would be, in my humble judgment, incumbent upon us to redeem the pledge given. But, sir, I believe, upon good evidence, that there will be no loss and that we shall be abundantly compensated in the years of the future by granting present fulfillment to the terms set down to Porto Rico.

I now advance to the third reason for antagonizing this measure. It is not only in contravention to the basic principle of our Government, not only false to the national honor, but it is, in my humble opinion, unconstitutional. I have reverence for that parchment which bound together the original States and became the organic law of the new nation which upon the Western Hemisphere had arisen like a young giant to pursue a career glorious beyond compare in the annals of nations. I believe it should be held as the sacred writings were to the men of old. It is the palladium of the nation so long as we preserve it; so long as we feel it binding upon us and the spirit of patriotism dwells in the land there need be no fear for the perpetuity of our institutions. I still have faith in the Constitution. The Revolutionary fathers intended that the benefits of the Government which they created should go out to the world. They were not to be narrow or circumscribed, for the men who were enthusiastic enough to give life and fortune for the establishment of a Government that seemed ideal in its character were imbued with a spirit brave enough to be generous to others, noble enough to see in the future the grand vision of the Republic they had founded growing stronger and more forceful in the affairs of men until by the influence of our example, by the force of our success, by the victory of our ideas, we would send forth Liberty to enlighten the world.

The Constitution, in my judgment, never contemplated that we should for ourselves enjoy liberty, freedom, and self-government and deprive others of these privileges, prerogatives, and rights. And, sir, for a century and a decade from the time of the beginning of constitutional government in the United States there has never been a day or an hour until now when the American citizen has not been willing—nay, has not been anxious—that the struggling peoples of the world should enjoy the selfsame heritage that had come to him through the lofty aspiration and courageous endeavor of his forefathers. I believe that the great principles of our Government, so far as they are applicable to any locality which rests under the American flag and the beneficent influence

of American Government, as enunciated in the Constitution and enacted into law under it, extend to every rood of territory which we may acquire.

Sir, if this island be not a Territory of the United States; if these men be not citizens of the American Republic, what gives the Congress of this country a right to legislate for them? Is the creature greater than the creator? Are the Senate and House of Representatives greater than the Constitution? I was under the impression that the Congress had been called into life and being by the Constitution. I am of the opinion that the powers which the Senate and House of Representatives have to legislate upon any subject are obtained from one source only—by and through the Constitution. If that be true, then the power to legislate must be accepted with the limitation placed upon it by the instrument that confers them. The eighth section of the first article of the Constitution of the United States reads in part as follows:

The Congress shall have power to lay and collect taxes, duties, imposts and excises.

Here is the power; now mark the limitation:

But all duties, imposts and excises shall be uniform throughout the United States.

The Congress has therefore the power to impose a tariff, to lay impost duties and excise taxes, high or low, many or few, but there is one limitation, and that is that whether the impost duties or excise taxes be high or low, many or few, they must be uniform everywhere throughout the United States. I believe that Porto Rico is a part of the United States. I have that conviction strong and firm, and therefore I am further convinced that Congress can not under the Constitution levy a 15 per cent duty upon the people of Porto Rico when that duty is different from the taxes imposed in other sections of the land.

You have a right, under the Constitution, to impose the Dingley tariff and the war revenue; but you have no right, in addition to this or outside of it, to place a 15 per cent impost duty upon commerce as between Porto Rico and other portions of the United States. We have no right, under the Constitution, to impose restrictions upon trade by reason of import and export duties as between Maryland and Arizona, as between New York and Oklahoma, as between California and Alaska. Where do you find the right, under the grant given by the Constitution, with its limitation, to place 15 per cent upon trade between Porto Rico and any State or Territory in the United States? I can not find it, and therefore will not vote to impose such a tax. And, sir, I do not believe that the Senator from Ohio found the power, for at least there is no evidence in the bill he presented, a copy of which I hold in my hand, that he found such a power or deemed it wise or just to attempt to exercise it.

And, now, a step further, and another reason of different character as against this bill and the imposition of this duty. We should be just.

Under Spanish domination, Porto Rico enjoyed privileges of trade with that nation and those other European countries which lay adjacent to Spain and have commercial and trade relations with her. We deprived Porto Rico of these advantages; we struck down these markets. Naturally she looked to us to establish other markets for her. The people of that island had a right to believe that, being a part of the great American system of States, there would be fraternal relations in trade, and instead of endeavoring to hamper, to bind, to imprison, and impound her products, we would receive them from her as from our sister States and thus give compensation for the injury done in severing old relations and striking down trade advantages which she had enjoyed for many years.

In justice this should be done, and the one way to accomplish it, the one way to achieve this end, is to have trade free and unrestricted between Porto Rico and other portions of our common country. But, sir, even if justice did not demand, we should upon another ground aid and assist the people of Porto Rico in their endeavor to find new markets for the coffee, sugar, tobacco, and other productions of the country. We are great enough—75,000,000 Americans, trading one with the other, without restriction of duties, from the head waters of the Mississippi to the Mexican Gulf, from the Rocky Mountains to the Rio Grande, from the northernmost point of Maine to the headlands of Florida, from the rock-bound coast of the Atlantic upon the east to the western slope where the Pacific waters leave the American shore—surely we are great enough and strong enough when we have added a million more Americans, dwelling in the little island far out in the waters, bereft of their ancient moorings, storm swept and stricken from every side; surely we are great enough and strong enough to be charitable and benevolent enough to stretch out the hand of fraternal friendship to aid them in their hour of trial and destitution. It will be "bread cast upon the waters, which will return after many days."

Sir, the American Republic, when it began its course among the nations, was dedicated to "liberty, fraternity, and equality." It

was the outcome of centuries of evolution, produced by Christian civilization. There was a time in the distant past when men lived in barbarism and savagery, in which the doctrine "live upon others" prevailed; there came a time in the dawn of civilized life when the maxim of "live and let live" obtained; the time now is when the new dispensation of "live for others" breathes joyous tidings to the world.

The Nazarene when he walked upon earth taught the Golden Rule, "Do unto others as you would have them do unto you." Luther proclaimed that as all men must stand upon a level before God, so in the God-given rights due to all prince and peasant must stand upon equality. Burns sang the song of man's prerogative when he wrote:

The rank is but the guinea stamp—
The man's the gowd for a' that.

Jefferson, in the immortal Declaration, penned a sentiment which will be precious to men so long as liberty is loved:

All men are equal.

And Julia Ward Howe roused the sleeping conscience of the nation when she exclaimed:

As Christ died to make men holy, let us die to make men free.

Having thus dedicated the national life, dare we do otherwise than be just and generous to the inhabitants of Porto Rico?

In view of these forceful objections to the proposed legislation, what excuse is offered to palliate the wrong inflicted or defend the unjust exaction? It is urged that there are present needs for governmental purposes and immediate requirement to relieve the distress, poverty, and starvation prevalent on the island. In answer I would say the passage of the bill appropriating over \$2,000,000 for governmental purposes in Porto Rico in the present provides for the first need. It renders available that sum for immediate use in the government of the island and to a certain extent aids in the alleviation of the prevailing distress by the governmental scheme of building roads, establishing schools, and erecting school-houses, thus providing employment for idle labor and giving payment in American coin.

This is but temporary, but there need be no further delay in granting permanent relief; pass the original bill of the Senator from Ohio and you will see, as if by magic, the return of prosperity; uncertainty will disappear, confidence will be restored, new life, new blood, new aspirations will give nerve, ambition, and effort, and the inhabitant of Porto Rico, invested with American citizenship, will assume not only the privileges, but the burdens and duties incumbent upon him in his new condition. He will labor with vigor and energy, for he has assurance that the fruits of his labor are his own and a market better than the one he lost has been found for the coffee, sugar, and tobacco he produces among his new fellow-citizens.

For the future expenses of the General Government the extension of the Dingley tariff act and the impost duties therein laid, together with the internal revenue and the additional war revenue, should and will provide.

For local government, the Porto Rican, having become an American citizen, must adopt our methods of direct taxation for domestic administration. He will in the near future gladly have direct taxation, when he understands that the tax is not one imposed by foreign masters or for the enrichment of Spanish officials, but levied by himself, upon himself, for the establishment and maintenance of local self-government. Should there be an interval in which aid will be needed, the generosity of the American people will give freely the inconsiderable sum required.

But, say the advocates of this measure, unrestricted trade with the island will be detrimental to American labor, and the Republican party is pledged to protection. Yea, surely; but the tariff applies to all the States and Territories, and the new territory of Porto Rico and its citizens, now Americans, are as much entitled to the benefit of the protective tariff as any of their national brethren, whether they dwell in Maine or Maryland, New York or Ohio, Nevada or Arizona, South Carolina or Oklahoma. The Porto Rican is an American laborer; he now belongs to the American family. You say he labors for low wages; he is ill paid. Sir, recognize him as an American, lift him up from his low condition, and he will soon reach the level of others, having their wants and requirements, and gaining their fulfillment in the common market. We have absorbed millions of men who have been ill paid, oppressed, and were ignorant. Is there great danger in keeping faith with a million Porto Ricans, say 200,000 laboring men, chiefly engaged in agricultural pursuits? I do not believe it. I can not think that any intelligent man believes it. The peasantry of Porto Rico is as intelligent as that of Spain; the educated class as accomplished as that of any country in the world. I have seen some of them who came to plead for justice. Their appearance, manner, and conversation proclaimed that they had intelligence, refinement, and culture.

But why speak of protection? I am a protectionist; and if Porto Rico is not a part of the United States, and we owe the island no consideration, then I say, do not place 15 per cent, but the whole amount of the Dingley tariff duties upon the trade between us. This bill does not protect American labor; it enacts a 15 per cent duty, which is confessedly a revenue duty only. Is it not admitted that it does not protect? If 15 per cent of the Dingley rates protect against low-priced labor in Porto Rico, why impose seven times that amount to protect us against England and Germany?

The PRESIDENT pro tempore rapped with his gavel.

Mr. WELLINGTON. I ask unanimous consent, if you please, that I may be allowed five or ten minutes more to close.

Mr. FORAKER. There are several Senators desiring to speak, and since I have heard the Senator from Maryland, I desire myself to speak. Inasmuch as we must vote at 4 o'clock, I hope the Senator from Maryland will not insist upon his request.

Mr. WELLINGTON. Then I will close in a moment, if I may be allowed.

Sir, I assert, and defy successful contradiction, that protection has been relegated to the rear in this matter, and revenue only is sought after.

I go further. I believe more income will be realized by the extension of the American impost duties and internal revenue than by the imposition of this illegal and unjustifiable 15 per cent duty; if not in the present, at least in the near future. And it would be well for our people to understand that if we go out into the distant zones and gather territory in the far-off waters, as between us and these countries protection will of necessity disappear. If we adopt the British policy of territorial extension, the English doctrine of free trade will follow.

Thus I have reasoned from every point, and at every point have found that there should be unrestricted trade with this island. The basic principle of the Government demands it. The observation of national honor requires it. The Constitution provides for it. Justice and charity alike point the way to it.

Mr. FORAKER. Mr. President, I was not expecting to speak again to this bill. Inasmuch as I have been in charge while it has been under consideration in the Senate, it has been necessary for me repeatedly to take the floor in its behalf, and in this way I have made a number of short replies to the speeches of the opposition and in answer to questions in regard to the bill. To such extent have I spoken in this way that, as I now recall the record, I have probably covered every point in the bill that has been the subject of controversy. That is the reason why I did not have it in mind to undertake to say anything additional in the closing hours of this debate. But the speech of the Senator from Maryland [Mr. WELLINGTON] and other speeches of a similar character seem to me at least to make it appropriate that in the closing hour of this debate I should take the floor to say that with respect to the various bills which have been here under consideration and have been under consideration in the committee, there has been nothing whatever that is unusual as compared with legislation generally.

Let me say, particularly, that there has been no compulsion upon the part of anybody to change his mind in regard to any legislation whatsoever.

When it was said by the Senator from Georgia a few days ago that there had been a radical change between the legislation originally proposed and that now under consideration I took occasion to say that it was true some changes had been made, and I pointed out why they had been made, but I pointed out in that connection that it was wholly voluntary and from a sense of duty, due to the facts developed before the committee, of which we had no knowledge whatever when we prepared the original draft of the bill. It is true, Mr. President, that the first bill introduced here by me did provide for free trade between Porto Rico and the United States. It is true that the bill now under consideration does provide a duty upon commerce between these two countries; but time and again it has been explained here why that change was made, and never better or more forcibly than by the junior Senator from New York [Mr. DEWEY] when he spoke upon that point yesterday.

I knew, in a general way, when I prepared the bill that there were trouble and poverty and distress in Porto Rico, but not until we sat as a committee and witnesses were called and testified before the committee did I learn to what an extreme extent of distress and poverty and hopeless despair the people of that island had been reduced. It was then that we learned that to support a government in Porto Rico and for Porto Rico it was absolutely impossible to raise revenue by direct taxation upon property. Then it was that to save that people, who could not stand the burden thus to be imposed upon them by taxing their property, to save them from that distress and that burden, we sought to find another way and resorted to the system that is provided in this measure.

Mr. PROCTOR. Will the Senator from Ohio yield for a single brief question?

Mr. FORAKER. Certainly; although my time is limited. And I hope the Senator will state his question and not make an argument.

Mr. PROCTOR. It has troubled me and others. Why did it not appear to the President and Secretary of War and Governor Davis, in charge of the administration in Porto Rico for many months, for months since the tornado, that it was necessary to raise revenue until the hearing before the committee?

Mr. FORAKER. I can not tell the Senator why this situation did not occur to the gentlemen to whom he refers in the way in which it was presented to us, but the fact that it did not so occur to them does not alter the fact that it was so established before us; that when so established we proceeded, not under any compulsion, but from a sense of duty; a sense of duty that the President, who had given the recommendation so much talked about, has recognized; a sense of duty that was recognized by the Republican party in the House and by most of the Republican party in the Senate; a sense of duty that required us so to legislate for that people as to make it tolerable for them to have a government and to support it, without our practicing paternalism to the extent of feeding them from day to day out of our public Treasury.

Mr. TILLMAN. Mr. President—

Mr. FORAKER. I yield to the Senator from South Carolina, although I have only a few minutes.

Mr. TILLMAN. Did that necessitate a change in the status of those people to not being citizens of the United States?

Mr. FORAKER. No; it did not at all necessarily follow that they should not be citizens of the United States, as I originally proposed in my bill, but every Democratic Senator almost, without exception, was saying that if we made them citizens of the United States we thereby made them a part of the United States, and if we made them a part of the United States that provision of the Constitution with respect to uniform taxation would apply, and we could not raise revenue in the way proposed in this bill. It was Democratic opposition, Mr. President, that brought us to realize that there ought to be a change from our original proposition, as it was clearly within the power of Congress to make it in the civil and political status of the people of Porto Rico. That is the complete explanation of the change which has been made. It was for that reason and no other.

But the Senator from Vermont [Mr. PROCTOR] has called attention to what General Miles and the Secretary of War and the President of the United States have said, and Senators have been saying here and pressing it in season and out of season, that pledges have been given to the people of Porto Rico by General Miles and the President and the Secretary of War of which this bill is a violation. I challenge any Senator to find any pledge given by either one of the men named to the people of Porto Rico—any pledge of any kind. What was it that General Miles said? He went into Porto Rico at the head of our victorious Army. It was appropriate that he should, in the performance of his duty as a soldier, announce his purpose in coming; and he stated in a proclamation to the people of Porto Rico that he had come not as an enemy, but as a friend; not to tear down, but to build up; not to destroy, but to save; and that it was the purpose of his Government to restore prosperity to the people of Porto Rico.

That was his first declaration—to restore a prosperity to which they had been strangers for three centuries under Spanish tyranny and misrule. Then he said further that it was another purpose to extend to them the immunities and the privileges of our liberal institutions of government. That is all General Miles said. For Senators to intimate that he went beyond that is no compliment to General Miles. It was not for him to declare the political policy of this Government with respect to Porto Rico, but simply to carry the flag there and plant it, as he gallantly and heroically did, in triumph. His duty was then done. It remained for Congress to determine what the policy should be. He did not say anything about free trade. He did not say anything about a military or a civil government. He spoke about giving them a restoration of prosperity and the privileges and the immunities to which I have alluded. This bill, Mr. President, instead of being in violation of what General Miles said, is a complete vindication and redemption of all that he said and all that he promised.

Now, as to the Secretary of War, all that he said was that justice and good faith require that we shall not disappoint the expectations of the people of Porto Rico to share in our prosperity. That was not a pledge. It was simply his recommendation made by him to the President in his annual report. I pass it by, therefore, without further comment, in view of the limited time at my command.

What was it, now, that the President said? Senators who know that they are not in harmony with the President with respect to this legislation are assuming and claiming that they represent

him here on this floor, and they are saying that this legislation is in violation of the recommendation made by the President of the United States in his annual message. What the President recommended was that we should abolish all customs duties between Porto Rico and the United States and give them free trade with us—free access to our markets, was, I believe, the language that he employed.

Mr. President, this bill does that very thing. Senators talk as though we were denying to the people of Porto Rico free trade with the United States. We are for a time, but because of the necessity to which I have referred, a necessity that was not in the mind of the President when he made that recommendation, a necessity that was not in my mind when I framed and introduced here the original bill, a necessity that nobody here was familiar with. We are not denying, but we are giving absolute free trade to the people of Porto Rico with the United States from and after the 1st day of March, 1902. In twenty-three months, hardly that long now, they will have absolute free trade.

For the time being, pursuant to the recommendation of the President, we have given to the people of Porto Rico absolute free trade from the very moment that this bill becomes a law as to all the necessities of life, for all food products—

Mr. ALLEN. I should like to ask the Senator—

Mr. FORAKER. For implements of husbandry, farm machinery.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. FORAKER. I have only three minutes.

Mr. ALLEN. I hope the Senator will not misstate the fact, however, that this bill expires by its own limitation in three years.

Mr. FORAKER. This bill never expires unless the Congress of the United States shall see fit to make it expire by repealing it and substituting another.

Mr. ALLEN. By one provision it expires at the end of two years. Now, would not the duty of the Dingley Act attach when this bill expires?

Mr. FORAKER. The Senator from Nebraska has not read the bill, or he would not make that inquiry.

Mr. ALLEN. Yes; I have read it.

Mr. FORAKER. The provision on that subject is that from and after the 1st day of March, 1902, there shall be absolute free trade between Porto Rico and the United States upon every article and every kind of merchandise that may go the one way or the other, and, Mr. President, sooner than that if the people of Porto Rico, in whose behalf Senators presume to speak, shall see fit to request it and take the necessary action as a predicate for that request, for the bill provides not only that we shall have absolute free trade, as the President recommends, from and after the 1st day of March, 1902, but it provides also that on all the articles I have enumerated they shall have free trade now, and upon all other articles they shall have absolute free trade as soon as the legislature and the government are organized provided for by this bill, and they shall have instituted a system of taxation that will yield them the necessary revenues to support their government. Six months from this time, Mr. President, they may have free trade from the United States if they will only take advantage of the opportunity we give them under the bill.

Now, Mr. President, in view of all this, I say there is no truth in the claim that we are violating any pledges or that we are violating even the recommendation of the President. We are so closely approximating to his recommendation as to be almost exactly following it, for I call attention to the fact that the President of the United States in his message recommending free trade, did not say in that message that right away now, day before yesterday, we should have free trade, but that free trade was the natural and proper condition which we should bring about by appropriate legislation. He must have foreseen that it would require weeks and months of legislation before a government could be established, before that law could be enacted, and before it could be put into operation.

But, Mr. President, however that may be, he did not understand and appreciate then as he understands and appreciates now that there is a necessity for delaying for the time that this bill provides there shall be delay before free trade shall be granted, the time necessary to establish a government there and to enable it to provide a way of raising revenue of their own.

The PRESIDENT pro tempore rapped with his gavel.

Mr. GALLINGER. Mr. President, fully comprehending the terrible conditions that prevail in Porto Rico, and appreciating the necessity of speedy action in a legislative way, I have occupied very little time in this discussion, and I propose to occupy only a few moments in the closing hour of the debate. Indeed, Mr. President, if my silence would aid the passage of this bill by one single minute, I would not say a word.

A few days ago in speaking to this question I ventured to quote an opinion rendered by Mr. Justice Bradley, speaking for the Supreme Court of the United States, in which he promulgated the

doctrine that the Constitution did not of its own force extend to the Territories of the United States. The genial, lovable, amiable, witty junior Senator from Alabama [Mr. PETTUS] subsequently called the attention of the Senate to the fact that I had not quoted the entire opinion as delivered by Mr. Justice Bradley. The Senator from Alabama also ventured to sneer at my lack of legal knowledge, something that I had not claimed to possess, indeed something that I had explicitly disclaimed, and then he proceeded to say that if I had turned over another leaf in the book I would have found that Justice Bradley said:

Doubtless Congress, in legislating for the Territories, would be subject to those constitutional limitations in favor of personal rights which are formulated in the Constitution and in its amendments.

And the Senator ventured the proposition that if I had quoted that the opinion of Mr. Justice Bradley would not have carried the implication which I attached to it.

Why, Mr. President, I have not heard a single Senator who has advocated the passage of this bill contend that Congress can legislate in an illegal, unjust, or unconstitutional way toward the people of Porto Rico or toward the people of any Territory of the United States. What they have contended, and what I have endeavored to sustain, has been the proposition that while the Constitution does not of its own force go into the Territories, Congress must necessarily legislate for those Territories; but Congress of course must legislate in a legal, just, and a constitutional way. This observation disposes of the criticism of the Senator from Alabama.

Mr. President, I listened to-day with a great deal of interest to the speech of the junior Senator from Illinois [Mr. MASON]. I heard every word of the Senator's able and lengthy address. I noticed particularly that he dwelt upon the proposition which has been advanced in this Chamber and in this debate, and in a certain other debate, that we have no right to govern people without their consent, and the Senator from Illinois quoted Abraham Lincoln to the effect that no man was good enough to govern any other man without his consent.

Mr. President, I will not traverse the ground that has heretofore been covered refuting that doctrine. I will only call attention to the fact that within the sound of a cannon in yonder navy-yard there live 250,000 people who are governed without their consent. There is not a man in the District of Columbia who can cast a vote. There is not a man in the District of Columbia who can say anything about how he shall be taxed or how he shall be governed. Congress governs the District of Columbia through a Board of Commissioners appointed by the President of the United States. In view of that fact it seems to me idle for any man to stand in this intelligent presence and say that we can not govern any people in this country without their consent.

Now, Mr. President, one other point in that regard. The Senator from Illinois said that it was the imposition of unjust taxation that caused our fathers to rise in rebellion against Great Britain. Why, Mr. President, if the Senator will read history carefully he will find that the battle cry at Concord, at Lexington, at Bunker Hill, at Bennington, and on some of the other battlefields of the Republic was that "taxation without representation was tyranny."

That is one of the things that they fought for in the war of the Revolution, and yet here, more than one hundred years after that war has closed, in the capital of this nation, we have taxation without representation, and I have not heard the Senators who are declaiming about the injustice we are doing to the Porto Ricans rise and demand that the law governing the District of Columbia shall in that respect be changed.

Mr. President, if we should adopt the contention of the Senators who are opposing this bill, and who are denouncing this committee for bringing in a bill that has tariff taxation in it, what would we be compelled to do? We would be compelled to impose upon the Porto Ricans the war-revenue taxation that we have on our statute books to-day. We would be compelled, Mr. President, to impose upon them direct taxation. If the Senators who are denouncing this bill will go to the testimony that was given before our committee they will find that almost every witness before that committee said that the people of Porto Rico could not by any possibility endure direct taxation or the imposition of our revenue laws.

Mr. FAIRBANKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. GALLINGER. I yield to the Senator from Indiana.

Mr. FAIRBANKS. If the Senator will permit me to interrupt him, I desire to submit, as bearing upon the observation he has just made, a cable dispatch from General Davis to the Secretary of War under the date of March 29.

It is perhaps proper to say that the Secretary, at the request of General Davis, sent Professor Hollander, assistant professor of finance in Johns Hopkins University, to study the working of taxation in the island and to aid in devising a practical system there,

which, according to a letter from the Secretary to me under date of the 2d instant, is "to take the place of the old Spanish system which has gone all to pieces and yields very little revenue indeed." It is well to consider the conclusions reached by Professor Hollander. From the study he has been able to make of the subject he is of the opinion that we should not extend the internal-revenue laws of the United States, but should adopt a revenue system suited to the peculiar local conditions in the island. There is peril to the interests of the Porto Ricans in the proposition made by some to force upon the island a system of taxation which was devised for this country, but not for that. The dispatch from General Davis is as follows:

SAN JUAN DE PORTO RICO, March 29, 1900.

Root, Washington:

Letter by next mail from Professor Hollander strongly advising against legislative requirement of United States internal-revenue laws, or fixed percentage thereof, for Porto Rico. He urges that tax system for this island should be made to suit local conditions and harmonize with home requirements. Hope of attaining such a system will be unrealizable if unsuited tax laws are forced on island and proper measures prevented.

DAVIS.

The advice of the Professor strongly confirms the wisdom of our present course in providing a portion of the revenues for the insular government from customs duties, as has been done heretofore. A system with which the people are familiar, and which there is good reason for believing they very much desire, should be continued until such time at least as they shall be able to construct a more scientific system of taxation.

Mr. GALLINGER. Now, Mr. President, I desire simply to add a word. This committee, which have been criticised so severely—and I will not venture to say in all respects unjustly—have been desirous of doing the best possible thing they could for the people of Porto Rico. That has been uppermost in the mind of every member of this committee. The committee believe that the bill which is now before the Senate will give the highest measure of relief to Porto Rico that can possibly be secured by any form of legislation which can be passed through the Congress of the United States.

And, Mr. President, bearing on the question of a tariff duty, I want to read an extract from a letter that came to me this morning, dated San Juan, Porto Rico, March 28, 1900. It is from a very distinguished lawyer in the island. He says:

Let me assure you that the people here are not to-day clamoring for free trade with the States. They are not. They simply ask now for some action. Whether it be 15 per cent, 25 per cent, or even 50 per cent, they want the matter settled. The distress is something terrible. If you will only end the controversy so that we may have something to base future business upon, and create such a form of stable, though limited, civil government, so as to assure protection to capital, the island will progress, starvation will cease, and we will be content.

The writer adds a postscript, as follows:

The only objection to the continuance of the military government is that capital will not come here until we have good courts and a guaranty of stability. General Davis is a most excellent man, strong, able, honest, and tactful—but the principle of military rule means that some one might take his place any day and, under his successor, arbitrary decrees might be rendered destructive of investments. The island needs American capital, and, in order to bring it here, we must have some form of civil government, including courts whose decisions are reviewable in Washington.

Mr. President, what the people of Porto Rico need, according to the information that has reached me from several correspondents, is not that they shall have free trade with the United States immediately, but that they shall have a stable form of government, a civil government, which will give them the benefit of the beneficent laws of the United States, and I predict that the passage of this bill will be the signal for the rehabilitation of that island, and for a degree of prosperity, contentment, and happiness such as those people never could have secured had they not come under the benignegis of the Government of the United States. Let the bill be passed, and the result will amply justify those of us who have been its friends and advocates.

Mr. STEWART. Mr. President, I have contended from the beginning that hasty legislation with regard to the islands we have wrested from Spain is undesirable. I prefer to follow the example which was set in the case of the Louisiana purchase, the Florida purchase, and in the acquisition of New Mexico and California. President Jefferson was authorized by Congress to govern Louisiana, and through his executive military power he inaugurated civil government there, which was afterwards recognized by Congress.

Florida remained under military rule four years, during which time Monroe inaugurated civil government, which was recognized and adopted by Congress. California was under military rule for over four years without any interference on the part of Congress and very little on the part of the Executive. It was a purely military government until it had established a State government, and the work of the military authorities and the people was recognized and approved in the admission of California in 1850.

I thought and still think that it would have been better to have refrained from legislation and left all the islands wrested from Spain to be governed by the Executive until Congress was fully informed as to what legislation was necessary. The crude and

unphilosophical bill which passed the House and the very defective bill now before us satisfy me that I was correct. The House bill provides for a permanent tariff between Porto Rico and the United States. The Senate bill in this respect is a great improvement. It provides for a temporary tariff, and in express terms declares for free trade at the end of twenty-three months.

In other respects the provisions of the Senate bill, so far as Porto Rico is concerned, are the most liberal of any financial bill ever passed for any Territory. The Government of the United States gives back to Porto Rico every dollar collected and, in addition thereto, supports the military establishment from the Treasury of the United States. There is no burden whatever imposed on the people of Porto Rico to support the Government of the United States. On the contrary, a large amount of money will be drawn annually from the Treasury of the United States to support the military establishment which governs Porto Rico.

Although the bill is crude and undigested and contains many defects, I regard it as a step toward the retention of these islands, which I believe was the greatest acquisition of the century. The United States needs these islands. The expenditure of three hundred millions per annum for tropical products which these islands would furnish shows the necessity of their retention. It shows that the United States has not all the resources necessary to make us an independent country financially. The drain of \$300,000,000 to \$400,000,000 annually to buy tropical fruits will always bear heavily upon the industries of the United States. These islands will not only furnish us all the tropical products which we require, but will enable us to keep our money at home and make the United States independent of all foreign countries.

I do not believe it injurious to acquire all the good and productive land necessary to supply all our wants. A deficiency in our natural resources of \$300,000,000 per annum is no trifling matter and should be provided for by acquiring new territory which possesses the natural resources which we lack. Believing that these islands are of paramount importance; believing that this bill is a step in the right direction, notwithstanding it is very imperfect in many respects, and believing that it tends to fasten our hold upon these islands, I shall favor it. It gives the Porto Ricans a degree of local self-government; it gives them free trade in less than two years; it gives them United States courts; it gives them many things which a Territory has, and more than I anticipated would be given under the circumstances which surround this legislation.

I believe it has become a choice between evils. I believe it would be a greater evil to defeat this bill and repudiate any idea of conferring upon the people of Porto Rico the benefits of local self-government, which they so much desire, than it would be to pass it because it contains many provisions which recognize Porto Rico as a part of the United States, and will ultimately aid in extending the principles of the Constitution to a people who desire to come to us and bring us one of the most productive islands in the world. A permanent tariff between the United States and Porto Rico, as provided in the House bill, is out of the question; but a temporary tariff, to be collected and given back to Porto Rico, without internal-revenue taxes and without other charges, is a trifling evil in view of the good that may ultimately be accomplished by a partial extension of the free institutions which we enjoy to the people of Porto Rico.

Under all the circumstances, I have decided to vote for the bill without further amendment.

Mr. LINDSAY. Mr. President, the Senator from Ohio [Mr. FORAKER] accounts for the change in the phraseology of his bill in relation to the citizenship of the people of Porto Rico on the ground that all the Democrats insisted that unless the language was changed Congress would have no power to legislate in regard to these people in a manner different from the legislation required by the Constitution concerning any other citizens of the United States.

Now, I submit whether or not it is true that the language was changed, not because the Democrats so insisted, but because the framers of this bill and its managers conceded the propriety of the contention in relation to this subject.

As citizens of the United States these people could not be legislated about differently from other citizens; and it being the desire of those having charge of the bill to treat them not as citizens of the United States, but as quasi aliens, the language of the bill was changed to fit the purposes of the legislation.

The junior Senator from New York [Mr. DEPEW] yesterday argued to show that these people were without qualification to exercise the functions of citizens of the United States, but the Senator who has charge of the bill does not justify the change on the ground that the people are incapable of exercising the rights of citizens, but on the ground that the bill could not be constitutionally passed unless these people are denied the right of citizenship. The junior Senator from New York [Mr. DEPEW] on yesterday used the following language:

There is a duty at present of \$1.00 per hundred pounds upon sugar and \$1.85 per pound upon tobacco under the Dingley tariff act. There are millions of dollars worth of this sugar and tobacco, owned by the sugar and

tobacco trusts, which is held from the market and stored in warehouses in Porto Rico awaiting the action upon this bill. This sugar and tobacco was bought from the planters of Porto Rico at a price which included these Dingley tariff duties and still left a large profit for the purchaser. Every concession made from the Dingley tariff is that much more clear profit, not to the producer, or the laborer, or the citizen of Porto Rico, but to these purchasers of their products.

If this be true, I ask why is it that the Dingley duties are reduced 85 per cent in the interest of these trusts who have bought this sugar and tobacco on the faith of having to pay the Dingley tariff duties and still make a large profit? If these trusts are entitled to no Congressional consideration, why not leave the Dingley duties in force for another year and make the reduction to 15 per cent take place next year, when the people of Porto Rico instead of the trusts will get the profit?

These are not the controlling reasons that actuate those in charge of this bill. These are such reasons as are necessary to justify to the people of the United States the deliberate refusal of Congress to act upon the advice of the President of the United States, to conform to his recommendation, and to treat the citizens of an American island as though the time was not to come when they would be allowed to enjoy the privileges of citizens of the United States.

At the outset this bill was intended to be a beneficent measure. Time progressed, and the necessity arose for converting it into a partisan measure. This has controlled the action of Senators on the other side, and to-day, in the face of the recommendation of the Secretary of War, in the face of the advice of the general in command in Porto Rico, in defiance of the recommendation made by the President of the United States, the bill is to be put on its passage as a party measure, and the test of party loyalty is to be the votes that Senators shall cast on the final roll call.

Mr. President, it is useless to attempt to disguise the fact that this bill is not solely in the interest of the people of Porto Rico. In the interest of the doctrine of protection it was felt necessary that something in the nature of a tariff should be incorporated in the bill. The fact that the limitations of the Constitution were not intended to be applied to favor the people of Porto Rico was made evident when the majority not only asserted the right of Congress to legislate beyond the grants of constitutional authority, but that the legislature of Porto Rico, elected by its 800,000 ignorant people, of whom the Senator from New York spoke on yesterday, should not be limited to the enactment of statutes not in conflict with the Constitution of the United States.

Mr. SPOONER. Will the Senator allow me one second?

Mr. LINDSAY. Certainly.

Mr. SPOONER. I ask leave to offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be received.

Mr. LINDSAY. I believe I have nothing further to say any way.

The PRESIDENT pro tempore. The hour of 4 o'clock having arrived, under the unanimous-consent agreement the vote will be now had on the pending bill and amendments of which notice has previously been given.

Mr. FORAKER. Mr. President, I move to amend the bill by inserting, on page 7, line 2, after the word "citizens," the words "of Porto Rico, and as such entitled to the protection."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, in section 6, page 7, line 2, after the word "citizens," by inserting the words "of Porto Rico, and as such entitled to the protection;" so as to read:

That all inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Ohio to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. FORAKER. On page 7, section 6, line 9, after the word "such," I move to strike out the word "other;" so as to read: "together with such citizens of the United States as may reside in Porto Rico," etc.

The amendment to the amendment was agreed to.

Mr. FORAKER. I now ask that that section as it has been amended may be adopted.

The PRESIDENT pro tempore. The question is on the amendment of the committee inserting section 6 as amended.

The amendment as amended was agreed to.

Mr. FORAKER. I move, on page 7, section 7, line 19, before the word "laws," to insert "statutory;" so as to read: "statutory laws of the United States."

The amendment to the amendment was agreed to.

Mr. FORAKER. I now ask that the amendment as amended be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to section 7 as amended.

The amendment as amended was agreed to.

Mr. FORAKER. I now move to amend section 37, which commences on page 25, by adopting the amendment as indicated in the print, namely, by striking out, on page 26, all after the word "choose," in line 2, down to and including the words "Territorial Delegate," in line 7, and inserting the provision following, whereby is substituted a resident commissioner for a Delegate in Congress.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 37, page 26, line 2, after the word "choose," it is proposed to strike out:

One Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to a vote, in that body, on the certificate of election of the governor of Porto Rico, who shall have the same rights provided by law for a Territorial Delegate, and the same compensation payable as now provided by law for a Territorial Delegate;

And in lieu thereof to insert:

A resident commissioner to the United States, who shall be entitled to official recognition as such by all Departments, upon presentation to the Department of State of a certificate of election of the governor of Porto Rico, and who shall be entitled to a salary, payable monthly by the United States, at the rate of \$5,000 per annum.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the committee to the proposed new section 37 will be stated.

The next amendment to the amendment was, section 37, page 26, line 16, after the words "bona fide," to strike out "inhabitant" and insert "citizen;" in line 17, before the word "who," to strike out "and;" and in line 18, after the word "language," to strike out "and who is not possessed of taxable property in his own right situated in Porto Rico;" so as to read:

Provided, That no person shall be eligible to such election who is not a bona fide citizen of Porto Rico, who is not 30 years of age, and who does not read and write the English language.

The amendment to the amendment was agreed to.

Mr. FORAKER. I now send to the Secretary's desk an amendment which I offered and which was printed on the 30th of March, and ask that it may be inserted in the bill as section 12, instead of section 11, as indicated in the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. It is proposed to insert the following as section 12:

SEC. 12. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in said treaty of peace in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines, or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, is hereby placed under the control of the government established by this act to be administered for the benefit of the people of Porto Rico; and the legislative assembly hereby created shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable.

The PRESIDENT pro tempore. There is a section 12 in the bill. Does the Senator desire that the amendment he has just offered shall take the place of that section?

Mr. FORAKER. I ask that the sections of the bill may be renumbered; and I want this to follow section 11 as it is now printed in the bill.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. FORAKER. Mr. President, I move, if it be necessary, that the sections of the bill be renumbered so as to correspond with the amendments which have been made.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the clerks may renumber the sections of the bill to correspond with the amendments which have heretofore been made. Is there objection? The Chair hears none, and that order will be made.

Mr. FORAKER. That completes the bill so far as the committee is concerned.

Mr. STEWART. Has the matter with reference to the appointment of a commissioner been acted upon?

Mr. FORAKER. Yes, sir.

Mr. DAVIS. I offer the amendment which I send to the desk. The PRESIDENT pro tempore. The amendment submitted by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to strike out all of sections 2,

3, and 4, and all of section 12 after the word "States," in line 6, and to insert in lieu thereof the following:

SEC. — That Porto Rico is hereby made an internal-revenue district. That the laws of the United States providing for internal-revenue taxation and collection not locally inapplicable are hereby extended to and shall remain in force in Porto Rico while this act shall continue in force. The President, by and with the advice and consent of the Senate, shall appoint a collector of internal revenue for said district, who shall receive an annual salary of \$4,000 and whose office shall be at San Juan.

SEC. — That all the internal-revenue taxes imposed by the laws of the United States shall be collected in said district. The Secretary of the Treasury is hereby authorized and directed to make all needful regulations to carry this act into effect and to prescribe the compensation of all officers and agents necessary for that purpose.

SEC. — That the amount of all taxes so collected, or so much thereof as may be necessary, less the expenses of collection, are hereby appropriated and placed at the disposal of the President, to be expended under his direction for the government of Porto Rico now existing or hereafter to be established, and for public education, public works, and other governmental and public purposes therein.

SEC. — That no duties on imports or exports shall, after the passage of this act, be levied or collected on any articles imported from the United States into Porto Rico or from Porto Rico into the United States.

Mr. DAVIS. Mr. President, upon that amendment I request the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLEN (when his name was called). On this subject I am paired with the junior Senator from North Dakota [Mr. McCUMBER]. The senior Senator from Maryland [Mr. WELLINGTON] is paired with the junior Senator from North Carolina [Mr. BUTLER]. I suggest to the Senator from Maryland that we transfer pairs, so that we may both vote, and the Senator from North Carolina and the Senator from North Dakota will stand paired.

Mr. WELLINGTON. That will be agreeable to me.

Mr. ALLEN. I therefore vote "yea."

Mr. FAIRBANKS (when Mr. BEVERIDGE's name was called). I wish to announce now, and I shall not again repeat the announcement during future roll calls, that my colleague [Mr. BEVERIDGE] is unavoidably absent.

Mr. LODGE (when Mr. HOAR's name was called). My colleague [Mr. HOAR] is unavoidably absent from the Chamber. He stands paired on this and all other questions connected with this bill with the Senator from Louisiana [Mr. MCENERY].

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present, he would vote "nay" and I should vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY]; but I will transfer that pair to the Senator from Maine [Mr. HALE], thus exchanging pairs with the Senator from Arkansas, so that he and I may vote. I vote "yea."

Mr. WARREN (when his name was called). On this question I am paired with the senior Senator from Washington [Mr. TURNER]. If he were here, I assume he would vote "yea." I should vote "nay."

Mr. WELLINGTON (when his name was called). Under the arrangement suggested by the Senator from Nebraska [Mr. ALLEN], by which a transfer of pairs has taken place, I am at liberty to vote. I vote "yea."

Mr. BURROWS (when his name was called). I have a standing pair with the senior Senator from Louisiana [Mr. CAFFERY]. If I were at liberty to vote, I should vote "nay."

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is paired with the senior Senator from West Virginia [Mr. ELKINS]. If my colleague were here, he would vote "yea."

Mr. CLARK of Montana (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. BEVERIDGE]. I understand that if he were present he would vote "yea;" and, therefore, I vote "yea."

Mr. ELKINS (when his name was called). I am paired with the senior Senator from Texas [Mr. CHILTON]. If he were present, he would vote "yea," and I should vote "nay."

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS]. If he were present, I should vote "nay."

Mr. WETMORE (when his name was called). My colleague, the senior Senator from Rhode Island [Mr. ALDRICH] is unavoidably absent. He is paired with the Senator from South Dakota [Mr. PETTIGREW] on this and all other amendments, as well as on the bill itself. If my colleague were present, he would vote "nay." I vote "nay."

The roll call was concluded.

Mr. JONES of Arkansas. My pair with the Senator from Maine [Mr. HALE] having been transferred to the Senator from Florida [Mr. MALLORY], I vote "yea." While I am on my feet, I announce a pair between the Senator from South Dakota [Mr. PETTIGREW] and the Senator from Rhode Island [Mr. ALDRICH].

Mr. PRITCHARD. My colleague [Mr. BUTLER] is unavoid-

ably absent. He is paired with the Senator from North Dakota [Mr. McCUMBER].

The result was announced—yeas 30, nays 40; as follows:

YEAS—30.

Allen,	Daniel,	Martin,	Sullivan,
Bacon,	Davis,	Mason,	Tallaferro,
Bate,	Harris,	Money,	Tillman,
Berry,	Heitfeld,	Morgan,	Turley,
Clark, Mont.	Jones, Ark.	Nelson,	Vest,
Clay,	Kenney,	Pettus,	Wellington.
Cockrell,	Lindsay,	Proctor,	
Culbertson,	McLaurin,	Simon,	

NAYS—40.

Allison,	Foraker,	Lodge,	Ross,
Baker,	Poster,	McBride,	Scott,
Bard,	Frye,	McComas,	Sewell,
Carter,	Gallinger,	McMillan,	Shoup,
Chandler,	Gear,	Penrose,	Spooner,
Clark, Wyo.	Hansbrough,	Perkins,	Stewart,
Cullom,	Hawley,	Platt, Conn.	Teller,
Deboe,	Jones, Nev.	Platt, N. Y.	Thurston,
Depew,	Kean,	Pritchard,	Wetmore,
Fairbanks,	Kyle,	Quarles,	Wolcott.

NOT VOTING—17.

Aldrich,	Chilton,	McCumber,	Turner,
Beveridge,	Elkins,	McEnery,	Warren.
Burrows,	Hale,	Mallory,	
Butler,	Hanna,	Pettigrew,	
Caffery,	Hoar,	Rawlins,	

So the amendment of Mr. DAVIS was rejected.

Mr. DAVIS. I offer the amendment which I now send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to strike out all of sections 2, 3, and 4, and all of section 12 after the word "States," in line 6, and insert in lieu thereof the following:

That Porto Rico is hereby made an internal-revenue district. That the laws of the United States providing for internal-revenue taxation and collection, not locally inapplicable, are hereby extended to and shall remain in force in Porto Rico, excepting as herein otherwise provided, for the term stated in this act. The President, by and with the advice and consent of the Senate, shall appoint a collector of internal revenue for said district, who shall receive an annual salary of \$4,000 and whose office shall be at San Juan.

SEC. — That, excepting as herein otherwise provided, 15 per cent of all the internal-revenue taxes imposed by the laws of the United States shall be collected in said district. No stamp taxes imposed by said laws upon written or printed documents shall be collected in said district. The Secretary of the Treasury is hereby authorized and directed to make all needful regulations to carry this act into effect, and to prescribe the compensation of all officers and agents necessary for that purpose.

SEC. — That the amount of all taxes so collected, less the necessary expenses of collection, are hereby appropriated and placed at the disposal of the President, to be expended under his direction for the government of Porto Rico now existing or hereafter to be established, and for public education, public works, and other governmental and public purposes therein.

SEC. — That upon tobacco not grown in Porto Rico and upon all manufactures thereof, and upon rum or other distilled spirits produced from substances not grown in Porto Rico, the full tax provided by the internal-revenue laws of the United States shall be collected. Upon tobacco grown in Porto Rico, and the manufactures thereof, and upon rum and other spirits distilled or made from sugar cane or other agricultural product grown in Porto Rico, or from the product of such sugar cane or other agricultural product, the said tax of 15 per cent shall be imposed, the same as upon other subjects of internal taxation.

SEC. — That the President, whenever he shall be satisfied that a local self-government has been established in Porto Rico adequate to raise and collect taxes by its own legislation, shall have the power from time to time, by proclamation, to decrease the said per cent of taxation, or to wholly abolish the same.

SEC. — That no duties on imports or exports shall, after the passage of this act, be levied or collected on any articles imported from the United States into Porto Rico or from Porto Rico into the United States.

SEC. — That this act shall be taken and held to be provisional in its purpose, and intended to meet a pressing present need for revenue for the island of Porto Rico, and shall not continue in force after the 1st day of March, 1902.

SEC. — That tobacco, or any manufacture thereof, and rum, or other distilled spirits, imported into the United States from Porto Rico shall be subject at the port of entry in the United States to the payment of, and there shall be collected on the same the full amount, less said 15 per cent, in case the same shall have been paid, of the internal-revenue tax imposed by the internal revenue upon such articles produced in the States of the Union. The Secretary of the Treasury is empowered and directed to make all necessary rules and regulations for such collection.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Minnesota [Mr. DAVIS].

The amendment was rejected.

Mr. DAVIS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all of sections 2, 3, and 4, and all of section 12 after the word "States," in line 6, and insert the following:

SEC. — That for the purposes of this act the following provisions of the Constitution of the United States are hereby extended and made applicable to Porto Rico:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

"No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

"No tax or duty shall be laid on articles exported from any State.

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

And it is hereby enacted that all duties, imposts, and excises imposed or levied, laid, or collected by Congress upon Porto Rico, or any products or business thereof, or in relation to said Porto Rico, shall be uniform with all duties, imposts, and excises laid and collected throughout the United States;

That no capitation or other direct tax shall be laid by Congress in or upon Porto Rico unless in proportion to the census or enumeration directed to be taken by the Constitution;

That no tax or duty shall be laid on articles exported from Porto Rico; That no preference shall be given by any regulation of commerce or revenue to the ports of Porto Rico over those of any State of the Union; nor shall vessels bound to or from Porto Rico be obliged to enter, clear, or pay duties in any State of the Union;

Nor shall any preference be given by any regulation of commerce or revenue to the ports of any State of the Union over those of Porto Rico; nor shall vessels bound to or from the ports of any State of the Union be obliged to enter, clear, or pay duties in any port of Porto Rico.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Minnesota.

The amendment was rejected.

The PRESIDENT pro tempore. Section 37 was amended in two or three particulars, and was not agreed to after the amendments had been adopted. The question now is, Will the Senate agree to the section as amended?

The section as amended was agreed to.

Mr. NELSON. I offer an amendment which is on the Secretary's desk, which I ask to have stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to amend section 3, pages 3 and 4 of the last print of the bill, by striking out all from and after the word "same," in line 1, and inserting in lieu thereof the following:

SEC. 3. That on and after the passage of this act all articles imported into the United States from Porto Rico, and all articles imported into Porto Rico from the United States, shall be exempt from duty: *Provided, however,* That articles of Porto Rican manufacture coming into the United States shall, before being withdrawn for consumption or sale, be subject to the payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said articles in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Amend section 4, page 5, by striking out all from and after the word "same," in line 1, page 5, to the word "shall," in line 4, page 5.

Mr. NELSON. I do not want the last part of the amendment voted on until after the first part has been acted upon. I ask for the yeas and nays upon the first part of the amendment.

The PRESIDENT pro tempore. The Senator from Minnesota asks for the yeas and nays upon his first amendment.

Mr. BERRY. The last part of the amendment was withdrawn, as I understand?

The PRESIDENT pro tempore. The Senator from Minnesota stated that he desired the first amendment acted upon by itself.

Mr. BERRY. Very well.

The yeas and nays were ordered.

Mr. JONES of Arkansas. Let the amendment proposed by the Senator from Minnesota be stated.

Mr. BACON. I should like to have the part to be voted upon stated separately in order that we may understand it.

The PRESIDENT pro tempore. The first amendment proposed by the Senator from Minnesota will be again stated.

The SECRETARY. It is proposed to amend section 3, pages 3 and 4 of the last print of the bill, by striking out all from and after the word "same," in line 1, and inserting in lieu thereof the following:

SEC. 3. That on and after the passage of this act all articles imported into the United States from Porto Rico, and all articles imported into Porto Rico from the United States, shall be exempt from duty: *Provided, however,* That articles of Porto Rican manufacture coming into the United States shall, before being withdrawn for consumption or sale, be subject to the payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said articles in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Minnesota [Mr. NELSON], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague is paired with the senior Senator from West Virginia [Mr. ELKINS]. If he were present, he would vote "yea."

Mr. CLARK of Montana (when his name was called). The understanding with the junior Senator from Indiana [Mr. BEVERIDGE], with whom I am paired, is that if present, he would vote "yea."

Mr. ELKINS (when his name was called). On this amendment and on this bill I am paired with the senior Senator from Texas [Mr. CHILTON]. If he were present, I should vote "nay."

Mr. HANNA (when his name was called). I repeat the announcement of my pair with the Senator from Utah [Mr. RAWLINS].

Mr. LODGE (when Mr. HOAR's name was called). My colleague, as I have already announced, is paired with the Senator from Louisiana [Mr. MCENERY]. If present, my colleague would vote in favor of this amendment; and if the amendment should fail, he would vote against the bill. I will make no further announcement of his pair.

Mr. PROCTOR (when Mr. MALLORY's name was called). On all votes connected with this question the Senator from Florida [Mr. MALLORY] is paired with the Senator from Maine [Mr. HALE].

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Washington [Mr. TURNER]. The roll call was concluded.

Mr. WETMORE. I again announce the pair of the senior Senator from Rhode Island, my colleague [Mr. ALDRICH], with the senior Senator from South Dakota [Mr. PETTIGREW]. If present, my colleague would vote "nay."

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If at liberty to vote, I should vote "nay."

The result was announced—yeas 28, nays 41; as follows:

YEAS—28

Allen,	Culberson,	McLaurin,	Proctor,
Bacon,	Davis,	Martin,	Simon,
Bate,	Harris,	Mason,	Taliaferro,
Berry,	Heitfeld,	Money,	Tillman,
Clark, Mont.	Jones, Ark.	Morgan,	Turley,
Clay,	Kenney,	Nelson,	Vest,
Cockrell,	Lindsay,	Pettus,	Wellington.

NAYS—41

Allison,	Foraker,	McBride,	Sewell,
Baker,	Foster,	McComas,	Shoup,
Bard,	Frye,	McMillan,	Spooner,
Carter,	Gallinger,	Penrose,	Stewart,
Chandler,	Gear,	Perkins,	Teller,
Clark, Wyo.	Hansbrough,	Platt, Conn.	Thurston,
Cullom,	Hawley,	Platt, N. Y.	Wetmore,
Daniel,	Jones, Nev.	Pritchard,	Wolcott.
Deboe,	Kean,	Quarles,	
Depew,	Kyle,	Ross,	
Fairbanks,	Lodge,	Scott,	

NOT VOTING—18

Aldrich,	Chilton,	McCumber,	Sullivan,
Beveridge,	Elkins,	McEnery,	Turner,
Burrows,	Hale,	Mallory,	Warren.
Butler,	Hanna,	Pettigrew,	
Caffery,	Hoar,	Rawlins,	

So Mr. NELSON's amendment was rejected.

Mr. SPOONER. I offer the amendment which I send to the desk.

The SECRETARY. After the word "until," in line 7, page 5, section 4, it is proposed to strike out "otherwise provided by law" and insert in lieu thereof the following:

The government of Porto Rico herein provided for shall have been organized, when all moneys theretofore collected under the provisions hereof then unexpended shall be transferred to the local treasury of Porto Rico.

Mr. FORAKER. I accept the amendment.

The amendment was agreed to.

Mr. BACON. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to strike out sections 2 and 3 and insert in lieu thereof the following:

SEC. 2. That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Porto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897; and on and after the passage of this act trade between the customs collection district hereby established for the island of Porto Rico and the customs collection districts of the United States now in existence, or which may hereafter be established, shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

The PRESIDENT pro tempore. Are there further amendments as in Committee of the Whole?

Mr. BACON. I gave notice of a substitute for the bill; and if this is the proper time, I will offer it.

The PRESIDENT pro tempore. Does the Senator propose to offer the substitute in the Senate instead of as in Committee of the Whole? The Senator can offer it as in Committee of the Whole if he prefers.

Mr. BACON. I am indifferent. It makes no difference; either place; whichever is the more convenient.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert—

Mr. DAVIS. I ask unanimous consent that the reading of the amendment may be dispensed with.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the reading of the amendment be dispensed with.

Mr. PETTUS. It has been read several times.

The PRESIDENT pro tempore. It has been read. Is there objection? The Chair hears none.

Mr. TELLER. Will the Chair state what it is? Is it the original bill?

The PRESIDENT pro tempore. It is the original bill as reported by the committee.

The amendment offered by Mr. BACON is as follows:

GENERAL PROVISIONS.

That the provisions hereof shall apply to and include not only the island of Porto Rico, but also all the adjacent islands and the waters thereof east of the seventy-fourth meridian of longitude west of Greenwich that were ceded to the United States by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899.

SEC. 2. That the capital shall be at the city of San Juan and the seat of government for the island shall be maintained there.

SEC. 3. That all inhabitants of the island continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico, shall be deemed and held to be citizens of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899; and they shall constitute a body politic with governmental powers as hereinafter conferred, and with power to sue and be sued in the courts of the United States in the name of the "Island of Porto Rico" in all cases in which such courts have jurisdiction where one of the parties is a State or Territory of the United States.

SEC. 4. That the laws and ordinances now in force in the island of Porto Rico shall continue in full force and effect, except as altered, amended, or modified hereinafter, or by military orders and decrees now in force, and so far as the same are not inconsistent or in conflict with the Constitution and laws of the United States locally applicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for the island or by act of Congress of the United States.

SEC. 5. That the laws of the United States relating to commerce, navigation, and merchant seamen are hereby extended to and over the island of Porto Rico and all said adjacent islands and waters, and the Commissioner of Navigation may make such regulations as he may deem expedient for the nationalization of all vessels owned by the inhabitants of the island on the 11th day of April, 1899, and which continued to be so owned up to the date of such nationalization, and the coasting trade between the island and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

SEC. 6. That on and after the date of the passage of this act there shall be levied, collected, and paid upon all articles imported, except from the United States into the island of Porto Rico, the rates of duty mentioned and prescribed in the schedules and paragraphs of the act "To provide revenue for the Government, and to encourage industries of the United States," approved July 24, 1897, in the same manner and to the same extent as if said schedules and paragraphs were expressly reenacted in this act, and all the other provisions and paragraphs of such act comprised in the sections thereof from 2 to 34, inclusive, not locally inapplicable shall be and remain in force in said island of Porto Rico until otherwise provided by Congress: *Provided, however*, That all collections made hereunder shall be paid into the treasury of the island, to be expended as required by law for the government and benefit of the island instead of being paid into the Treasury of the United States.

SEC. 7. That on and after the passage of this act there shall be collected within the island of Porto Rico all the internal-revenue taxes imposed under the provisions of the Revised Statutes elsewhere in the United States in so far as the same are locally applicable, and all the provisions of the laws of the United States providing for internal-revenue taxation and the collection thereof not locally inapplicable shall be and remain in force within the island of Porto Rico until otherwise provided by Congress.

SEC. 8. That on and after the passage of this act all merchandise coming into the United States from the island of Porto Rico, and all merchandise going from the United States into the island of Porto Rico, shall be admitted into the respective ports of entry free of all tariffs, customs, and duties, all laws and parts of laws to the contrary notwithstanding.

SEC. 9. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of the island out of the revenues in his hands, and not be a liability in any case of the United States.

SEC. 10. That the Constitution and all the laws of the United States locally applicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in the island of Porto Rico as elsewhere in the United States.

SEC. 11. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act, as it may from time to time see fit.

SEC. 12. That all vested property rights, and all obligations, contracts, rights of action, suits at law and in equity, prosecutions for crimes and misdemeanors, and all sentences and civil judgments and decrees now existing shall remain unaffected by this act and continue enforceable.

SEC. 13. That all judicial and legal process shall run in the name of "The United States of America, island of Porto Rico," and all criminal or penal prosecutions shall be conducted in the name and by the authority of "The United States of America, island of Porto Rico."

THE GOVERNOR.

SEC. 14. That the official title of the chief executive officer of the island shall be "the governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified, unless sooner removed by the President; he shall reside in the island during his official incumbency, and shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of the island, and respite for offenses against the laws of the United States, until the decision of the President can be as-

certain; he shall commission all officers of the island that he may be authorized to appoint, and shall participate in and may veto any legislation enacted by the legislative authority of the island, as hereinafter provided; he shall be the commander in chief of the militia of the island and shall at all times faithfully execute the laws of the island, and he shall in that behalf have all the powers of governors of the Territories of the United States that are locally applicable; and he shall annually, and at such other times as he may be required, make official report of the proceedings and condition of government in the island, through the Secretary of State, to the President of the United States.

THE EXECUTIVE COUNCIL.

SEC. 15. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in the island during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with the governor and five other persons of good repute, to be also appointed by the President, by and with the advice and consent of the Senate, from the native inhabitants of the island, shall constitute an executive council, and, in addition to the legislative duties hereinafter imposed upon them as a body, exercise such powers and perform such duties as are hereinafter provided for them, respectively.

SEC. 16. That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly of the island, and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

SEC. 17. That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from the island, the secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

SEC. 18. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney-general of a Territory of the United States in so far as the same are locally applicable, and he shall perform such other duties as may be prescribed by law, and make such reports, through the governor, to the Attorney-General of the United States as that officer may require.

SEC. 19. That the treasurer shall collect and be the custodian of the public funds, and shall disburse the same as required by law, and shall perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as that officer may require.

SEC. 20. That the auditor shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as that officer may require.

SEC. 21. That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law and make such reports through the governor to the Secretary of the Interior of the United States as that official may require.

SEC. 22. That the commissioner of education shall superintend public instruction throughout the island, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law and make such reports through the governor as may be required by the Commissioner of Education of the United States.

SEC. 23. That the other five members of the executive council, to be appointed from natives of the island, as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

HOUSE OF DELEGATES.

SEC. 24. That the local legislative authority for the island shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of 35 members elected biennially by the qualified voters of the island, as hereinafter provided; and the two houses thus constituted shall be designated "the legislative assembly of the island of Porto Rico, United States of America."

SEC. 25. That for the purpose of such elections, and for judicial and other governmental purposes, the island shall be divided by the executive council into five districts, composed of contiguous territory and as nearly equal as may be in population, and each district shall be entitled to seven members of the house of delegates.

ELECTION OF DELEGATES.

SEC. 26. That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive council may prescribe; and at such elections the voters of each legislative district shall choose seven delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the 1st day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette, or by printed notices distributed and posted throughout the district, as the executive council may prescribe. At such elections all citizens of the island shall be allowed to vote who possess the qualifications of voters under the laws and military orders now in force in the island, subject to such regulations and restrictions as to registration and otherwise as may be now provided, or as may be prescribed by the executive council. The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require, at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of the island of Porto Rico, United States of America;" and each member of the house of delegates shall be paid for his services at the rate of \$5 per day for each days attendance while the house is in session.

All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

SEC. 27. That the house of delegates shall be the sole judge of the qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the

house of delegates who is not 25 years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of property, real or personal, situated in the island, of the value of at least \$2,000.

SEC. 28. That all laws enacted may originate in either body, but no bill shall become a law unless it be passed in each body by a majority vote of all the members belonging to such body and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approve the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return, in which case it shall not be a law.

SEC. 29. That the legislative authority herein provided shall apply to all matters of a legislative character locally applicable to the island, including power to create, consolidate, and reorganize, as may be necessary, the municipalities of the island, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in the island or any municipality or district thereof, subject in all cases to the requirement that no legislation shall be inconsistent with the Constitution of the United States: *Provided, however*, That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

THE JUDICIARY.

SEC. 30. That the judicial power shall be vested in the courts and tribunals of the island as already established and now in operation, including municipal courts, under and by virtue of General Orders, No. 118, as promulgated by Brigadier-General Davis, United States Volunteers, August 16, 1899, and the laws and ordinances of the island and the municipalities thereof in force, so far as the same are not in conflict herewith or with the Constitution of the United States, all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attaches thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, No. 118, until otherwise provided by law: *Provided, however*, That the chief justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor of the island, and all other officials and attaches of all the other courts shall be chosen as may be directed by the legislative assembly of the island, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attaches for each, their jurisdiction, their procedure, and all the matters affecting them.

SEC. 31. That the island of Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the island. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other times and places in the district as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, No. 88, promulgated by Brigadier-General Davis, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

SEC. 32. That writs of error and appeals from the final decisions of the supreme court of the island shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States; and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of the island and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia. All proceedings in the Supreme Court of the United States shall be conducted in the English language.

SEC. 33. That the salaries of all officials of the island not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of the island, as the executive council shall from time to time determine: *Provided, however*, That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials for the island, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of the island on the warrant of the auditor, who shall pay all salaries, and also all items of official expense approved by the executive council and duly audit the same.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

The governor, \$10,000.
The secretary, \$4,000.
The attorney-general, \$4,000.
The auditor, \$4,000.
The commissioner of the interior, \$4,000.
The commissioner of education, \$4,000.
The chief justice of the supreme court, \$5,000.
The associate justices of the supreme court (each), \$4,500.
The marshal of the supreme court, \$3,000.

The United States district judge, \$5,000.
The United States district attorney, \$4,000.
The United States district marshal, \$3,500.

SEC. 34. That the provisions of the foregoing section shall not apply to the municipal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

SEC. 35. That no export duties shall be levied or collected on exports from the island; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the island or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect the public credit: *Provided, however*, That no public indebtedness of the island or of any municipality thereof shall be authorized or allowed in excess of 10 per cent of the aggregate tax valuation of the property of the island or municipality, respectively.

SEC. 36. That the qualified voters of the island shall, on the first Tuesday after the first Monday of November, A. D. 1900, and every two years thereafter, choose one Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to a vote, in that body, on the certificate of election of the governor of the island: *Provided*, That no person shall be eligible to such election who is not a bona fide inhabitant of the island, and who is not 30 years of age and possessed of property in his own right situated in the island of the value of at least \$2,000.

SEC. 37. That a commission, to consist of five members, at least two of whom shall be native citizens of the island, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of the island; also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue, and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of the island; and all the expenses of such commissioners, including all necessary clerks and other assistants that they may employ, and a salary to each member of the commission at the rate of \$5,000 per annum, shall be allowed and paid out of the insular treasury as a part of the expenses of the government of the island. And said commission shall make full and final report of all its proceedings and recommendations to the Congress on or before one year after the passage of this act.

SEC. 38. That this act shall take effect and be in force from and after the 1st day of March, 1900.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. PETTUS and Mr. TELLER asked for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. ALLEN (when his name was called). On this vote the junior Senator from North Dakota [Mr. McCUMBER] stands paired with the junior Senator from North Carolina [Mr. BUTLER].

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If at liberty to vote, I should vote "yea."

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague is paired with the senior Senator from West Virginia [Mr. ELKINS]. If my colleague were here, he would vote "nay."

Mr. CLARK of Montana (when his name was called). The junior Senator from Indiana [Mr. BEVERIDGE], with whom I am paired, would, if present, vote "yea." I believe the pair has been transferred to the Senator from Utah [Mr. RAWLINS]. Hence I will vote. I vote "nay."

The roll call was concluded.

Mr. ELKINS. I am paired with the senior Senator from Texas [Mr. CHILTON]. Otherwise I should vote "yea."

Mr. WARREN. On the passage of the bill I am paired with the senior Senator from Washington [Mr. TURNER]. He would vote "nay" if present, and I should vote "yea."

Mr. WELLINGTON. Under the arrangement suggested by the Senator from Nebraska, a mutual transfer of pairs having taken place, I will vote. I vote "nay."

Mr. WETMORE. My colleague [Mr. ALDRICH] is paired with the senior Senator from South Dakota [Mr. PETTIGREW]. If present, my colleague would vote "yea."

The result was announced—yeas 40, nays 31; as follows:

YEAS—40.

Allison,	Foraker,	Kyle,	Quarles,
Baker,	Foster,	Lodge,	Ross,
Bard,	Frye,	McBride,	Scott,
Carter,	Gallinger,	McComas,	Sewell,
Chandler,	Gear,	McMillan,	Shoup,
Clark, Wyo.	Hanna,	Penrose,	Spooner,
Cullom,	Hansbrough,	Perkins,	Stewart,
Deboe,	Hawley,	Platt, Conn.	Thurston,
Depew,	Jones, Nev.	Platt, N. Y.	Wetmore,
Fairbanks,	Kean,	Pritchard,	Wolcott

NAYS—31.

Allen, Bacon, Bate, Berry, Clark, Mont. Clay, Cockrell, Culberson,	Daniel, Davis, Harris, Heitfeld, Jones, Ark. Kenney, Lindsay, McLaurin,	Martin, Mason, Money, Morgan, Nelson, Pettus, Proctor, Simon,	Sullivan, Taliaferro, Teller, Tillman, Turley, Vest, Wellington.
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NOT VOTING—18.

Aldrich, Beveridge, Burrows, Butler,	Caffery, Chilton, Elkins, Hale,	Hoar, McCumber, McEnery, Mallory,	Pettigrew, Rawlins, Turner, Warren.
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So the bill was passed.

The PRESIDENT pro tempore. The preamble, without objection, will be stricken out.

The title was amended so as to read: "A bill temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

NORTHERN JUDICIAL DISTRICT OF NEW YORK.

Mr. PLATT of Connecticut. I ask that the Chair lay before the Senate the amendments of the House of Representatives to Senate bill 268.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, and to divide the same into two districts and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes.

Mr. PLATT of Connecticut. I move that the Senate disagree to the amendments of the House of Representatives, and ask for a committee of conference on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT of Connecticut, Mr. SPOONER, and Mr. BACON were appointed.

ORDER OF BUSINESS.

Mr. LODGE. I ask that Senate bill 2355 may be laid before the Senate. I wish to have it made the unfinished business. Of course, I do not intend to ask the Senate to go on with it to-night.

Mr. PENROSE. I object.

Mr. LODGE. Then I make the motion. It was included in the unanimous-consent agreement.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. WOLCOTT. I move that the Senate adjourn.

Mr. PENROSE. I second the motion.

Mr. LODGE. On that I ask for the yeas and nays.

Mr. BERRY. What is the bill the Senator from Massachusetts is trying to get up?

The PRESIDENT pro tempore. The Senator from Colorado moves that the Senate adjourn.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PROCTOR (when Mr. MALLORY's name was called). The Senator from Florida [Mr. MALLORY] is paired with the Senator from Maine [Mr. HALE].

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. WELLINGTON (when Mr. PRITCHARD's name was called). The Senator from North Carolina [Mr. PRITCHARD] has been called away to attend a funeral. He is paired with the Senator from South Carolina [Mr. McLAURIN].

Mr. WELLINGTON. Under the arrangement heretofore announced by the Senator from Nebraska I will vote. I vote "yea." The roll call was concluded.

Mr. WARREN. I desire to announce my pair with the Senator from Washington [Mr. TURNER].

The result was announced—yeas 29, nays 29, as follows:

YEAS—29.

Allen, Baker, Bard, Bate, Carter, Chandler, Clark, Mont. Clark, Wyo.	Clay, Culberson, Daniel, Foster, Gear, Hansbrough, Harris, Heitfeld,	Kenney, Martin, Money, Morgan, Penrose, Perkins, Platt, N. Y. Taliaferro,	Thurston, Turley, Vest, Wellington, Wolcott.
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NAYS—29.

Allison, Bacon, Burrows, Cullom, Davis, Deboe, Fairbanks, Foraker,	Frye, Gallinger, Hanna, Hawley, Jones, Ark. Kean, Lodge, McBride,	McComas, McMillan, Nelson, Platt, Conn. Proctor, Quarles, Ross, Simon,	Spooner, Sullivan, Teller, Tillman, Wetmore.
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NOT VOTING—29.

Aldrich, Berry, Beveridge, Butler, Caffery, Chilton, Cockrell, Depew,	Elkins, Hale, Hoar, Jones, Nev. Kyle, Lindsay, McCumber, McEnery,	McLaurin, Mallory, Mason, Pettigrew, Pettus, Pritchard, Rawlins, Scott,	Sewell, Shoup, Stewart, Turner, Warren.
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So the Senate refused to adjourn.

Mr. LODGE. I renew my motion—my request—to take up Senate bill 2355, and after that I shall move to adjourn. This is according to the unanimous agreement, as I understood it.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Massachusetts asks unanimous consent—

Mr. LODGE. No; I do not ask it. I ask that under the unanimous-consent agreement we may proceed to the consideration of Senate bill 2355.

Mr. ALLEN. What is the bill?

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of Senate bill 2355, Order of Business 536.

Mr. STEWART. I understand—

Mr. GALLINGER. Here is the agreement printed in the Calendar.

Mr. STEWART. I understand that this is to be the unfinished business, and will come up at 2 o'clock, and that it will not be in the way of calling up the Quay case immediately after the routine business.

Mr. LODGE. Certainly not.

Mr. STEWART. I hope that will be done every morning.

Mr. LODGE. It is simply to make this bill the unfinished business; that is all.

Mr. STEWART. If that is according to the agreement, I am going to keep the agreement.

Mr. ALLEN. Mr. President—

Mr. CHANDLER. I understand—

The PRESIDING OFFICER. The Senator from Nebraska was recognized before the Senator from New Hampshire rose.

Mr. ALLEN. I rose to ask the Chair what the agreement was. The Senator from Massachusetts speaks of an unanimous-consent agreement.

Mr. PETTUS. Mr. President, what is the bill that is proposed to be taken up? It has only been spoken of by number.

The PRESIDING OFFICER. The Secretary will read the title of the bill for the information of the Senate.

The SECRETARY. Order of Business 536, a bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of September, 1898.

Mr. CHANDLER. I understand it is claimed by the Senator from Massachusetts that under the unanimous-consent agreement, made when I was not in the Chamber, this bill is entitled to take the place of the Porto Rican bill as the unfinished business. If that is the object of the Senator from Massachusetts, I have no objection; but I understand that the special order in reference to the Pennsylvania case takes effect to-morrow after the routine morning business, and that the Pennsylvania case, both under that order and according to the rules of the Senate, is a privileged question, subject to be called up at any time and pressed upon the consideration of the Senate.

Mr. WOLCOTT. Do I understand that that statement of the Senator from New Hampshire has unanimous assent here?

Mr. SPOONER. No.

Mr. LODGE. The unanimous-consent agreement is printed here, if the Senator will look at it. The Senate made an agreement a part of which was that the Quay case should not interfere with this bill when taken up.

Mr. CHANDLER. I do not so understand the unanimous-consent agreement.

Mr. LODGE. The unanimous consent, I understand, was for to-day—to take up the Quay case to-day.

Mr. SPOONER. I ask that the unanimous-consent agreement be read.

Mr. LODGE. I do not desire to interfere with its coming up after the routine morning business. The exception was clearly made.

Mr. PETTUS. There was no unanimous consent asked here?

The PRESIDING OFFICER. The Chair so understands it. The reading being asked for, the Secretary will read the agreement entered into by the Senate by unanimous consent.

The Secretary read as follows:

That on Tuesday, April 3, after the routine morning business, the Senate will proceed to the consideration of S. R. 107, declaring "that the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania," and continue its consideration from day to day until the final disposition of the same, subject to the consideration of appropriation bills, conference reports, the present unfinished business, and S. 2355, "In relation to the suppression of insurrection in, and to the government of,

the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of September, 1898." (March 16, 1900.) Notice given by Mr. Chandler that he would not call up the foregoing resolution until Wednesday, April 4, at the same hour. (March 31, 1900.)

Mr. CHANDLER. Now, if that means that these subjects are to be taken up and considered when the Pennsylvania case is not under consideration there is no objection to it, but if it is to be contended that the agreement means that all those subjects shall have a preference over the Pennsylvania case, that is a construction of the unanimous-consent agreement which will not be assented to by me for a single moment.

Mr. GALLINGER. Mr. President, that is precisely the understanding that some of us had, that the Quay case would be subordinate to the consideration of the other measures that are named in the unanimous-consent agreement, except, of course, that the Quay case can be called up in the morning hour.

Mr. JONES of Arkansas. That is what it says and what everybody on this side understood it to mean.

Mr. CHANDLER. It is a most astonishing agreement if a question of the highest privilege is made subordinate in this body to almost everything else that anyone wants to bring up.

Mr. GALLINGER. If the Senator in charge of this question of privilege assented to it, of course he is responsible for it.

Mr. CHANDLER. Certainly the Senator from Massachusetts [Mr. HOAR] agreed to it, but he did not agree that consideration should mean preference.

The PRESIDING OFFICER. The Chair will state that the question now before the Senate is upon the motion of the Senator from Massachusetts [Mr. LODGE], that the bill the number and title of which have been read for the information of the Senate shall be now taken up.

Mr. CHANDLER. I understood the Senator to ask unanimous consent.

Mr. LODGE. I ask that it be taken up; and if no objection is made I suppose it will be taken up. If there is objection, I will move to take it up.

Mr. CHANDLER. I have no objection to its being taken up and made the unfinished business, but I will resist the inference that for a moment it is entitled to consideration as against the privileged question.

Mr. WOLCOTT. There are one or two matters that we have got to understand here, preliminarily, it seems to me. We have fallen late in the afternoon upon a possible subject of disagreement in construing the unanimous consent. The Senator from Massachusetts understands it one way and the Senator from New Hampshire understands it the other way. This has been a long session of the Senate. This is a most important question. We are all tired; some of us, perhaps, inclined to be a little more hasty in judgment than we might be in the cooler hours of the morning. I therefore renew my motion that the Senate adjourn.

Mr. LODGE. I make the point of order that the motion is not in order, no business having intervened.

The PRESIDING OFFICER. The Chair is of opinion that other business has intervened. Several Senators have made remarks and points of order and other questions have intervened, so that the motion to adjourn is in order.

Mr. LODGE. That is not parliamentary business, Mr. President. Then, on the motion to adjourn, I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PETTUS (when his name was called). Mr. President, I am paired.

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Washington [Mr. TURNER].

The roll call having been concluded, the result was announced—yeas 25, nays 31; as follows:

YEAS—25.			
Baker,	Deboe,	Nelson,	Thurston,
Bate,	Gear,	Penrose,	Vest,
Carter,	Hansbrough,	Perkins,	Wellington,
Chandler,	Heitfeld,	Scott,	Wolcott.
Clay,	Mason,	Sewell,	
Culberson,	Money,	Stewart,	
Daniel,	Morgan,	Taliaferro,	
NAYS—31.			
Allison,	Davis,	Jones, Ark.	Ross,
Bacon,	Fairbanks,	Kean,	Simon,
Bard,	Foraker,	Lodge,	Spooner,
Berry,	Foster,	McBride,	Teller,
Burrows,	Frye,	McMillan,	Tillman,
Clark, Mont.	Gallinger,	Platt, Conn.	Turley,
Cockrell,	Hanna,	Proctor,	Wetmore.
Cullom,	Hawley,	Quarles,	
NOT VOTING—31.			
Aldrich,	Elkins,	McComas,	Platt, N. Y.
Allen,	Hale,	McCumber,	Pritchard,
Beveridge,	Harris,	McEnery,	Rawlins,
Butler,	Hoar,	McLaurin,	Shoup,
Caffery,	Jones, Nev.	Mallory,	Sullivan,
Chilton,	Kenney,	Martin,	Turner,
Clark, Wyo.	Kyle,	Pettigrew,	Warren.
Depew,	Lindsay,	Pettus,	

So the Senate refused to adjourn.

Mr. LODGE. I renew my motion to take up the bill.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of Senate bill 2355.

Mr. CARTER. Mr. President, that motion goes to the order of business in the Senate, and I presume it is debatable.

The PRESIDING OFFICER. The Chair is of the opinion that the motion to take up the bill is not debatable.

Mr. CARTER. Then I will ask the Senator at this time to state his construction of the unanimous-consent agreement. Is it his contention that the language of this unanimous agreement requires that the Senate shall make of Senate bill No. 2355 the unfinished business?

Mr. LODGE. I understood that my motion to take it up and make it the unfinished business did not interfere with the agreement to consider the Quay case; that it was relieved from that agreement as one of the exceptions made.

Mr. CARTER. Then I understand from the statement of the Senator from Massachusetts that he does not contend that the unanimous-consent agreement in and of itself requires that the bill in question shall be made the unfinished business, but that the Senate may take the question up and make it the unfinished business or decline to make it the unfinished business without any violence of the unanimous-consent agreement.

Mr. LODGE. The Senate can undoubtedly refuse to take up anything. It can refuse to take up the Quay case.

Mr. CARTER. But I understand the Senator in the first instance to contend that this particular bill comes under the unanimous-consent agreement of the Senate and has precedence to and priority over the case of the appointment of a Senator from Pennsylvania, and upon that basis he presents this motion.

Mr. GALLINGER. Mr. President, I rise to a question of order. I make the point of order that debate is not in order.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken.

Mr. CARTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Lodge,	Shoup,
Allison,	Deboe,	McBride,	Spooner,
Bacon,	Fairbanks,	McComas,	Taliaferro,
Bard,	Foraker,	McMillan,	Teller,
Bate,	Foster,	Money,	Tillman,
Berry,	Frye,	Morgan,	Turley,
Burrows,	Gallinger,	Perkins,	Vest,
Chandler,	Gear,	Pettus,	Warren,
Clark, Mont.	Hanna,	Platt, Conn.	Wellington,
Clay,	Hawley,	Proctor,	Wetmore.
Cockrell,	Heitfeld,	Quarles,	
Culberson,	Jones, Ark.	Ross,	
Daniel,	Kean,	Sewell,	

The PRESIDING OFFICER. Forty-nine Senators having responded on the roll call, a quorum is present.

Mr. LODGE. I now renew my motion.

Mr. CHANDLER. Mr. President, I rise to a question of order in reference to the construction of the agreement. It was an agreement for to-day. The order was postponed at my suggestion from to-day until to-morrow, because of the pendency of the Porto Rican bill. If that order takes effect to-morrow and governs this bill in reference to the Philippines, it is not in accordance with the unanimous-consent agreement for the Senator from Massachusetts to move to take up the Philippine bill at this time.

Mr. LODGE. Mr. President—

Mr. CHANDLER. I make that point upon the unanimous-consent agreement. If the Pennsylvania case is not entitled to come up now, then the Philippine bill is not entitled to come up now.

Mr. LODGE. When the agreement was made on the Quay case there was no agreement to vote on the Porto Rican bill on the 3d day of April. That agreement was made subsequently. The Porto Rican bill and conference reports and the Philippine bill were all in the same class. It is just as much in order to consider the Philippine bill to-day and make it the unfinished business as it was in order to conclude the consideration of the Porto Rican bill. The prolongation of the agreement until to-morrow does not affect any of the excepted subjects, and the agreement to vote to-day on the Porto Rican bill has no bearing whatever on the unanimous-consent agreement.

Mr. CHANDLER. It seems to me that if we are acting under the unanimous-consent agreement to which the Senators appeal, the first thing to be taken up is the Pennsylvania case, and if Senators are not ready to speak upon it, or are not ready to proceed with the continuous consideration of it, which the agreement provides for, it is then in order to take up some of those other subjects. But it is not in order under the unanimous-consent agreement to move to take up the Philippine bill unless the Pennsylvania case is first laid before the Senate. I make that point.

Mr. TILLMAN. Mr. President, I should like to have the debate which occurred the morning when unanimous consent was given read for the information of Senators.

Mr. WOLCOTT. I think that should be done. I should like to hear it.

Mr. TILLMAN. I am sure that a great many Senators here are in the dark as to what they are doing, and they are not voting according to the agreement made that morning.

Mr. WOLCOTT. I ask that the Secretary shall read the debate which took place at the time.

Mr. BURROWS. The unanimous-consent agreement has already been read.

Mr. WOLCOTT. Oh, no.

Mr. PENROSE. I call for the reading of the agreement.

Mr. BURROWS. I beg the Senator's pardon.

Mr. TILLMAN. I am speaking about the debate the morning the Senator from Massachusetts [Mr. HOAR] asked for unanimous consent.

Mr. LODGE. I call for the reading of the debate.

Mr. JONES of Arkansas. That should be read.

Mr. BURROWS. Let the debate be read.

The PRESIDING OFFICER. The reading of the debate has been called for. It will be read for the information of Senators.

Mr. WOLCOTT. I ask what is the date?

The PRESIDING OFFICER. March 16, page 2963 of the CONGRESSIONAL RECORD. It will be read by the Secretary.

The Secretary read as follows:

Mr. HOAR. Mr. President, I desire to renew the request which I made yesterday, which is that "a week from next Friday, after the conclusion of the routine morning business of the Senate, the Senate will take up the Quay case for consideration, and during the same period each day from day to day will continue the consideration of that case until it is disposed of, excepting the unfinished business"—the present unfinished business, I mean, of course—and also appropriation bills and conference reports.

The PRESIDENT pro tempore. Can the Senator forward that request to the Chair?

Mr. HOAR. It will be found at the bottom of page 3117 of yesterday's proceedings. I sent it to the Chair.

Mr. ALLISON. This being Friday, the date proposed is two weeks from today.

Mr. HOAR. One week from to-day.

The PRESIDENT pro tempore. The Secretary will read to the Senate the request of the Senator from Massachusetts.

The Secretary read as follows:

"I ask unanimous consent that a week from next Friday, immediately after the routine morning business, the Quay case may be taken up for consideration and continued until disposed of, reserving the right of appropriation bills and conference reports."

Mr. HOAR. My request, of course, is for a week from to-day. The phrase "next Friday" was used yesterday.

The PRESIDENT pro tempore. The Senator added one other phrase, "appropriation bills and the present unfinished business."

Mr. HOAR. The present unfinished business.

The PRESIDENT pro tempore. The Secretary will add to the request "the present unfinished business."

Mr. BURROWS. Mr. President, there is no disposition, so far as I know, to delay the consideration of this matter, but I will suggest to the Senator from Massachusetts, who has been very courteous in the affair, that his suggestion yesterday, in view of the fact that the Senator from New Hampshire [Mr. GALLINGER] suggested that he might be back next Thursday or Friday, was that he would fix the time a week from Monday. But it will be remembered by the Senator from Massachusetts that a week from next Monday or Tuesday the Committee on Privileges and Elections, with its entire membership, will be engaged in the consideration of a very important matter before that committee involving the right of a sitting member of this body; and it has already agreed that two days, Tuesday and Wednesday, of that week shall be taken up by counsel in the discussion of the question, after which I suppose the committee will proceed with closed doors to consider the matter.

I therefore would suggest to the Senator from Massachusetts to fix the time at two weeks from next Monday or Tuesday, so that the Senator will be here, and to that arrangement I shall not have the slightest objection.

Mr. HOAR. I will accept that modification.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that on two weeks from Monday next—

Mr. HOAR. From Tuesday next.

The PRESIDENT pro tempore. From Tuesday next the election case involving the appointment of Senator Quay shall be taken up for consideration and continued to completion, not, however, to interfere with appropriation bills or with the present unfinished business or with conference reports.

Mr. LODGE. Mr. President, I do not rise to object, but simply to make an inquiry. If the Porto Rican bill, which is the present unfinished business, should be disposed of before that time, do I understand that this agreement would debar me from making a motion to take up the bill reported from the Committee on the Philippines?

The PRESIDENT pro tempore. The Chair is of opinion that it would.

Mr. WOLCOTT. No, Mr. President.

Mr. LODGE. I can not consent to that.

Mr. HOAR. My colleague can get it up before that time.

Mr. WOLCOTT. I understand that the junior Senator from Massachusetts would not be in the least debarred from calling up the Philippine measure, but that in two weeks from Tuesday it would give way until the Quay case was disposed of.

The PRESIDENT pro tempore. The Chair means of course that it would have that effect after the lapse of two weeks from Tuesday.

Mr. GALLINGER. Mr. President, I certainly shall not object to this arrangement, and yet I wish to make a simple statement.

Mr. GALLINGER. I suggest, Mr. President, that that need not be read; it does not particularly relate to this matter.

Mr. PENROSE and Mr. WOLCOTT. Let us have it all.

Mr. GALLINGER. Very well.

The Secretary resumed and concluded the reading, as follows:

I was astounded yesterday to have it suggested that those of us who are opposed to seating Mr. Quay were by parliamentary devices preventing consideration of the resolution.

Mr. HOAR. I did not make any such suggestion.

Mr. GALLINGER. It will be recalled—

Mr. HOAR. I should like to ask the Senator if he understood me to make any such suggestion?

Mr. GALLINGER. I will say to the Senator from Massachusetts that I did not understand him to make any suggestion of the kind.

It will be recalled, Mr. President, that the last two or three weeks of the time of the Senate have been devoted to the consideration, first, of the Hawaiian bill, which was in charge of the Senator from Illinois [Mr. CULLOM], who I understand proposes to vote for Mr. Quay, and that next we have been considering the Puerto Rican bill, in charge of the Senator from Ohio [Mr. FORAKER], who I understand likewise proposes to vote to seat Mr. Quay. In the next place, we have given consent to the reading of a bill at hours other than those that are usually occupied in the transaction of the ordinary business of this body, and the reading of that bill would have consumed two days of the time of the Senate. In the next place, we have been considering an appropriation bill for Porto Rico in charge of the Senator from Iowa [Mr. ALLISON] who is likewise, I understand, committed to the view that Mr. Quay is entitled to a seat in this body. There has been no matter, so far as I can recall, during the past two or three weeks before the Senate that a Senator opposed to the seating of Mr. Quay has insisted should be considered.

I have placed no obstacle in the way of this resolution. I propose to place none. It is immaterial to me when it is taken up, and it is immaterial to me when it is concluded. I will say that the Senate need not postpone the consideration or the vote upon this measure one single minute on my account, because it is not of any consequence to me or to the Senate or the country whether I submit a single observation in opposition to the seating of Mr. Quay or not. If I am present I shall vote against, if I am absent I shall be paired in opposition to this proposition, it being one that I am totally opposed to.

Mr. LODGE. As I understand it, then, after April 3, which is the date when this unanimous-consent agreement is to take effect, I should have no right under this unanimous agreement to move to take up the bill reported from the committee on the Philippines.

The PRESIDENT pro tempore. The Senator would not.

Mr. LODGE. Mr. President, it is impossible to say how long the debate on the Quay case may continue, and I can not resign that right.

Mr. HOAR. I will except my colleague's bill.

Mr. LODGE. Very well.

Mr. HOAR. We shall undoubtedly be able to arrange about the date.

Mr. LODGE. I merely did not want to bind myself; that was all.

The PRESIDENT pro tempore. Then the Chair will repeat the request of the Senator from Massachusetts so that there may be no misunderstanding.

The Senator from Massachusetts asks unanimous consent that on two weeks from Tuesday next the Quay election case shall be taken up for consideration, and that the consideration shall be had to the conclusion of the case; interfering not, however, with appropriation bills, or the present unfinished business, or the measure touching the Philippine question reported by the Committee on the Philippines.

Mr. JONES of Arkansas. Or conference reports.

The PRESIDENT pro tempore. Or conference reports.

Mr. HALE. Does the Chair hold that under this agreement, if entered into, a motion to postpone or to table or to recommit would not be in order?

Mr. HOAR. I should not claim any such ruling myself. I suppose it will be subject to an ordinary motion that is a disposition of the case.

Mr. HALE. It is simply that the resolution, the privileged question, shall have the right of way, but it is subject to all of the obstacles and all of the resistance that ordinary parliamentary law gives in such a case.

Mr. HOAR. Undoubtedly.

The PRESIDENT pro tempore. That will be the opinion of the Chair.

Mr. HALE. I wanted that to be understood, because I remember, and some other Senators will remember, that without any jugglery on the part of anyone we got caught once and found that only the main question could be put. I want to have that understood by the Senate.

The PRESIDENT pro tempore. As at present advised, the Chair would hold that any subsidiary motion touching the case would be in order.

Mr. HALE. I so believe.

The PRESIDENT pro tempore. Immediately after the routine morning business is finished. Is that the Senator's request?

Mr. HOAR. Yes, sir.

The PRESIDENT pro tempore. Immediately after the conclusion of the routine morning business in two weeks from Tuesday next. Is there objection?

Mr. RAWLINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator rise to this question?

Mr. RAWLINS. No, sir.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

Mr. CHANDLER. Mr. President, now, I should like to ask the Senator from Massachusetts and other Senators who perhaps differ from me on this question, whether they understand that that unanimous-consent agreement was a contract that gave preference over the Pennsylvania case—a question about the filling of a vacant seat in this Senate—to all the appropriation bills, to conference reports, and to the bill in reference to the Philippines, and that it is not in order to ask, under that unanimous-consent agreement, to proceed to the consideration of the Quay case so long as any one of those matters is before the Senate?

Mr. LODGE. I understand that under that unanimous-consent agreement I was to have the right to move to take up the Philippine bill on the conclusion of the Porto Rican bill. It was so understood by everyone. I stated that I could not consent to this Quay agreement unless I retained that right. I have exercised that right this afternoon, and the friends of Mr. Quay have prevented me from having the right I claim.

Mr. CHANDLER. Is the Senator willing to answer my question or not?

Mr. LODGE. I am not engaged in interpreting unanimous-consent agreements. I am acting within my right in making the motion I have made.

Mr. CHANDLER. The Senator has very discourteously refused to answer my question. I say that it can not be possible that the absent Senator from Massachusetts [Mr. HOAR] ever intended to make a contract in this Senate that a privileged question like an election case should be forever subjected to appropriation bills and conference reports and the Philippine bill.

Mr. BURROWS. Mr. President, I desire to say just a word, as

I remember very distinctly what occurred between the senior Senator from Massachusetts [Mr. HOAR] and myself in relation to this matter. The Senator from Massachusetts was very anxious to bring the Quay case to a hearing, and I was willing that some day should be fixed for its consideration. The Senator from Massachusetts came to me and asked, and he also made the request in the open Senate, that a day might be fixed for the consideration of the Quay case. At that time I was not prepared to accede to his request, and suggested that the matter should be postponed until the morning, when I would confer with him in relation to it.

I did so. We agreed that the case might be set down for a hearing on the 3d day of April, subject to certain things; and my understanding of the agreement was—and I can not for the life of me see how there can be any misunderstanding about it—that the Quay case should be taken up on the 3d day of April, immediately after the routine business, and proceeded with until its conclusion, subject, however, first, to appropriation bills. I do not know what the practice in the Senate is, but in the House of Representatives that means that if an appropriation bill is brought in and its consideration demanded, it would take precedence of the special order, for the reason that appropriation bills must be disposed of before Congress can adjourn.

So the matter was made subject to appropriation bills, also subject to any conference reports that might be brought in, because a conference report is a question of very high privilege, and there was also excepted the then unfinished business, which was the Porto Rican bill. Finally, it was agreed also that the Quay case should be subject to the bill which the Senator from Massachusetts [Mr. LODGE] has called up. So my understanding of the order was that immediately after the regular morning business the consideration of the Quay case, under this agreement, is in order—

Mr. CHANDLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. BURROWS. Certainly.

Mr. CHANDLER. I wish to ask the Senator whether he understood that that gave by contract a positive preference to all those subjects over the Pennsylvania case?

Mr. BURROWS. I understood by that contract just this: That the Quay case would be in order immediately after the close of the morning business; and if there was no appropriation bill, no conference report, and none of these special matters demanding a hearing, the Quay case would be proceeded with; but if the chairman of the Committee on Appropriations should rise at the close of the routine business and call up an appropriation bill, my understanding was that that appropriation bill would then be considered, and the Quay case would have to give way until that was concluded.

Mr. CHANDLER. Will the Senator allow me to ask him another question?

Mr. BURROWS. Certainly.

Mr. CHANDLER. Does the Senator from Michigan contend that the Senator from Massachusetts [Mr. HOAR], who is in favor of filling the vacant seat with the governor's appointee and who made the report from the committee of which we are members, made a deliberate contract which made it out of order to try to proceed to the consideration of the Quay case so long as there was a conference report or an appropriation bill or the bill in reference to the Philippines before the Senate? Does the Senator from Michigan think that the Senator from Massachusetts made that contract when he was trying to get an agreement for the continuous consideration of a question of the highest privilege in the Senate?

Mr. BURROWS. I have not the slightest doubt about it, because I had a conversation with the Senator from Massachusetts, and that was also the understanding publicly in the Senate.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Pennsylvania?

Mr. BURROWS. I believe under this agreement in good faith the Quay case can be called up at the close of the morning business and will be proceeded with; but if the chairman of the Committee on Appropriations should rise with a conference report when the Quay case was called up, it would have to give way until the conference report was disposed of. That would also be the case if an appropriation bill was called up. I know it is so in the House of Representatives where, when a special order is being considered and an appropriation bill had been specially excepted from the operation of that special order, the special order would have to be suspended until the appropriation bill had been disposed of.

Mr. CHANDLER. In an election case?

Mr. BURROWS. Yes; in any case.

Mr. CHANDLER. In an election case, never.

Mr. BURROWS. In any case where such an agreement had been made.

Mr. TILLMAN. Will the Senator from New Hampshire allow me to make a suggestion?

Mr. CHANDLER. I have not the floor.

Mr. TILLMAN. I should like to suggest to the Senator that he telegraph to the Senator from Massachusetts [Mr. HOAR] to-night and get his opinion, and leave the status quo where it is.

Mr. WOLCOTT. Mr. President, the few words of rather personal controversy which have already been uttered here indicate more quickly than I feared might be the happening that we are sitting rather late to-night. We have had a tiresome and long and busy day. It is evident that the white dove of peace no longer hovers over the Senate Chamber as it does in the mornings; and, however Senators may be inclined to vote on this question, some of us feel who, in one way in accord on this question as to Mr. Quay differ as to adjournment, differ as to the Philippine question; and, upon the other side of the Chamber, where there is usually a most remarkable unanimity [laughter], there seems to be some difference also. I therefore appeal to Senators in the interest of good order and the wise conduct of public affairs at this late hour of the night, when most of us would be usually sitting down to our frugal dinners [laughter], that the Senate proceed to the consideration of executive business, and I make that motion.

Mr. LODGE. I ask the Senator to withdraw that motion for one moment. I merely desire to say a word.

The PRESIDING OFFICER. Does the Senator from Colorado withdraw his motion?

Mr. WOLCOTT. Certainly.

Mr. LODGE. I desire to say that it is perfectly obvious that by attempting to hold the Senate here I shall attain no good result. I have no desire to do that. The purpose of the friends of Mr. Quay is plain, which is all that I desire to disclose. I have no objection now to either adjourning or going into executive session, but I desire to say that I consider the unanimous-consent agreement to be at an end so far as I am concerned.

Mr. WOLCOTT. I did not suppose that I was giving way for the purpose of an offensive remark. I do not know where the Senator from Massachusetts counts himself, whether as an enemy of Mr. Quay or as a friend of Mr. Quay. It is hard to tell who are Mr. Quay's friends and who are his enemies. But, Mr. President, when there is any suggestion or intimation made that there was any unworthy or unrighteous purpose in pressing the consideration of this case—a case of the highest privilege—anybody who makes the suggestion goes far out of his way to state that which is unqualifiedly false.

I change my motion to a motion that the Senate now adjourn.

Mr. LODGE. Mr. President, I think after what has been said that I am entitled to say a word.

The PRESIDING OFFICER. Does the Senator from Colorado withdraw his motion?

Mr. WOLCOTT. I do.

Mr. LODGE. I made no charge of any kind. I said that I had been deprived of a right which I thought I clearly had under the unanimous-consent agreement. I am not going to press it; I am not going to hold the Senate; but if the unanimous consent is broken, of course that is the end of it. It can not bind one and not bind another.

Mr. CHANDLER. One word more, Mr. President. The unanimous-consent agreement had better come to an end if it means what Senators declare it to be—that there has been a contract made that this high question of privilege shall not be considered until after all the appropriation bills, conference reports, and the Philippine bill have been disposed of.

Mr. WOLCOTT. I now renew my motion, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 4, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 3, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

I transmit herewith a copy of a letter from Mr. Ferdinand W. Peck, commissioner-general of the United States to the Paris Exposition of 1900, dated November 17, 1899, submitting a detailed statement of the expenditures incurred under authority of law.

EXECUTIVE MANSION.
Washington, April 2, 1900.

WILLIAM MCKINLEY.

PUBLIC MONIES IN THE PHILIPPINE ISLANDS, CUBA, AND PUERTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the immediate consideration of House bill 9386, to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Puerto Rico, reported unanimously by the Committee on Insular Affairs.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands, and in the islands of Cuba and Puerto Rico, as depositaries of public moneys, in the same manner as he now designates national banks as depositaries of public moneys under the provisions of section 5153, Revised Statutes of the United States; such banks or bankers thus designated to give satisfactory security by the deposit of United States bonds, or otherwise, for the safe-keeping and prompt payment of the public moneys deposited with them and for the faithful performance of their duties.

With the following amendments, recommended by the committee:

In line 11 strike out the word "or" and insert "and;" add at the end of the bill the following: "Provided, That this act shall apply to Cuba only while occupied by the United States."

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I want to call my friend's attention to a point I have in mind. This bill authorizes the President to name certain banks in the islands for the purpose of depositing public funds in these banks as a matter of safety. The point I make is this, that I did not catch from the reading of the bill—

Mr. BREWER. I object to the present consideration of the bill, Mr. Speaker.

Mr. COOPER of Wisconsin. The consideration of this bill was postponed the other day to enable the gentleman from Alabama [Mr. BREWER] to offer an amendment.

Mr. BREWER. I have an amendment to offer at the proper time, but I object to the present consideration of the bill until I can have some understanding about the debate that may occur on that amendment.

Mr. COOPER of Wisconsin. Can not the gentleman from Alabama present his amendment now?

Mr. BREWER. We are not ready to discuss it now without a conference as to the debate that may be had upon the amendment.

The SPEAKER. Objection is made.

EXTENDING HOMESTEAD LAWS TO SOLDIERS OF SPANISH WAR AND PHILIPPINE INSURRECTION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9140) providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws and for other purposes.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That any person having served in the Army, Navy, or Marine Corps of the United States during the late war with Spain, or in the Philippine Islands during the Philippine insurrection, and having been honorably discharged, who may enter a tract of land under the homestead laws shall be entitled to have the following term of service deducted from the time required to perfect title under said homestead laws, to wit: When the term of such service shall not exceed six months, then a credit of six months shall be allowed; when the term of such service shall exceed six months, but not exceed twelve months, then a credit of twelve months shall be allowed, and when such term of service shall exceed twelve months, then a credit equal to the time actually served shall be allowed; but no patent shall issue to any such homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That if any such person shall have been discharged on account of wounds received or disability incurred in the line of duty, then the full term of his enlistment shall be deducted from the time heretofore required to perfect title without reference to length of time he may have served.

SEC. 2. That in case of the death of any person who would be entitled to the benefits of section 1 of this act, his widow, if unmarried, shall be entitled to such benefits, or in case of her death or remarriage, then his minor orphan children, by a guardian duly appointed, may enter a tract of land under the homestead laws and receive the benefits of section 1 of this act; and if the soldier, sailor, or marine died during the term of his enlistment the entire term of enlistment shall be deducted from the time heretofore required to perfect title: *Provided*, That in no case shall the amount of such deduction be less than one year.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask a question. Is this the unanimous report of the committee?

Mr. JONES of Washington. It is the unanimous report of the Committee on Public Lands.

Mr. UNDERWOOD. I would like to ask the gentleman the necessity of calling up this bill at this time by unanimous consent?

Mr. JONES of Washington. The reason is that the bill is substantially in the language of the present law, and there are a great many persons interested in the matter. I did not anticipate there would be any objection. It is giving the members or the participants in the Spanish war the same privileges as those who served in the civil war. It is the unanimous report of the Committee on Public Lands, and several members have expressed a desire to have it brought up.

Mr. UNDERWOOD. Can not it be brought up under the call of the committees?

Mr. JONES of Washington. No; it is on the Union Calendar.

Mr. SHAFROTH. If I may be permitted, Mr. Speaker, I will say that the bill as introduced did not exactly conform to the statute relating to homesteads taken up by soldiers who enlisted in the civil war, but the amendments that were made made it conform to the act as now upon the statute book relating to soldiers who served in the civil war. It seems to me there ought to be no objection to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

Mr. JONES of Washington. Mr. Speaker, I move that House bills 2946, 5482, 4337, and 9085 be laid on the table.

The SPEAKER. Without objection, that will be done.

There was no objection.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

Mr. KNOX. Mr. Speaker, I call up the special order of the House for to-day, and move that the House resolve itself into Committee of the Whole on the state of the Union to consider the bill (S. 222) to provide a government for the Territory of Hawaii. Pending that motion, I desire to state that, while the report is unanimous, inasmuch as gentlemen on both sides desire to speak, it has been considered fair to divide the time equally between the other side of the House and this side, and it has also been agreed, subject to the approval of the House, that the gentleman from Pennsylvania [Mr. MCALEER] shall control the time on that side and that I shall control it upon this side. It is also desired that gentlemen who speak may have leave to extend their remarks in the RECORD, and I ask unanimous consent that that request may be granted.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider Senate bill 222, and, pending that motion, asks unanimous consent that the time be divided equally between the two sides, the gentleman from Massachusetts to control one-half of the time, and the gentleman from Pennsylvania [Mr. MCALEER] to control the other half; also that all gentlemen making remarks upon this bill be permitted to extend their remarks in the RECORD. Is there objection?

Mr. RICHARDSON. Mr. Speaker, pending this request, I have not the order before me, but I believe there was an agreement as to the length of time the debate was to last.

Mr. KNOX. For to-day and to-morrow, closing each session at 5 o'clock, the debate on Thursday to be under the five-minute rule until 4 o'clock, when the bill is to be reported to the House.

The SPEAKER. With the consent of the House, the Chair will have the order read for the information of the House.

The Clerk read as follows:

On motion of Mr. KNOX, by unanimous consent, it was ordered that on Tuesday, April 3, it be in order, after the reading of the Journal, to consider S. 222, "An act to provide a government for the Territory of Hawaii;" that it be considered in the Committee of the Whole House on the state of the Union, general debate to be limited to Tuesday, April 3, and Wednesday, April 4; to close each day at 5 o'clock; that on Thursday, April 5, the bill shall be read for amendments and debate under the five-minute rule, to continue until 4 o'clock, when the bill shall be reported to the House; the previous question shall be considered as ordered on the bill and amendments to its passage. (Order made March 10.)

Mr. RICHARDSON. Now, Mr. Speaker, I realize the fact that it would be too late to change the order just read unless unanimous consent could be obtained to do so; but the objectionable feature of that order is that two days are given for general debate and then only a portion of the third day for the reading of this bill under the five-minute rule. The effect of carrying out that order as adopted will be to bring us to a vote at 4 o'clock on Thursday, when possibly not one-third of the bill will have been read under the five-minute rule, and such reading is the only opportunity that will be allowed for the offering of amendments. It seems to me that the rule as just read should not have been agreed to.

But I repeat, I realize that we can not change it now except by

unanimous consent. This bill, however, before the final vote, should be read entirely through under the five-minute rule, in order that each section may be open to debate and amendment. It occurs to me that it would be better now to modify the order, appropriating one day for general debate and the two remaining days for amendment and debate under the five-minute rule. It seems to me desirable that we should reach some agreement by which we may be relieved from so much of the order as brings us to a vote at 4 o'clock on Thursday. In other words, the bill should be read through. I regret that the order as read has been made.

I was going to suggest that if it can be done we modify the order so that the general debate may be concluded in one day; or if that can not be done, that we rescind the order for a vote at 4 o'clock on Thursday and let the bill be read through for debate and amendment. If that can be concluded by 4 o'clock on Thursday, all right; if not, then let us devote another day to this business. We have plenty of time, and it seems to me we ought not to bring ourselves to a vote on this bill without reading each section for amendment.

Mr. KNOX. Mr. Speaker, I suggest to the distinguished gentleman from Tennessee [Mr. RICHARDSON] whether it would not be well to go on for at least one day of general discussion under the rule as adopted. Perhaps at the expiration of that time the desire for general debate may not be so pressing as it has been. There has been a very great demand on both sides of the House for time to speak generally on this bill—a demand so pressing that it could not be fully yielded to.

Another answer to the gentleman's objection is this: This bill is for the establishment of a Territorial government; it contains 102 sections. A very large part of the bill comprises, of course, provisions for the governor, the legislature, etc., such provisions as we are all familiar with. I think the amendments will be confined probably to a very few sections, involving differences of view among members as to what the government ought to be. I am not myself apprehensive (I may be mistaken) of a lack of time to give the bill due consideration.

Mr. RICHARDSON. There are over 100 sections in this bill; and if the reading under the five-minute rule should commence at half past 12 o'clock on Thursday, it would take two hours—possibly it would take till 4 o'clock—without allowing any time for offering and discussing amendments. For that reason it would be better if we could get rid of the part of the order to which I have referred. If the offering of amendments and the discussion thereon can be concluded by 4 o'clock Thursday, all right; but I insist, if we do not get through that stage of the bill by 4 o'clock on Thursday, we ought not to bind ourselves to take a vote at that time.

The SPEAKER. Is there objection to the request which has been made by the gentleman from Massachusetts [Mr. KNOX]?

Mr. BELL. I object.

Mr. WILLIAMS of Mississippi. Pending that, and before I object—

The SPEAKER. Objection has been made—

Mr. WILLIAMS of Mississippi. I have made no objection.

The SPEAKER. The gentleman from Colorado [Mr. BELL] objected. The question is now on the motion that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of Senate bill No. 222, to provide a government for the Territory of Hawaii.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. Moody in the chair), and proceeded to the consideration of Senate bill No. 222.

Mr. KNOX. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. KNOX. Mr. Chairman, in presenting to the House this bill creating a government for the Territory of Hawaii, I do not think it would be profitable or pertinent to discuss the general question of the desirability and wisdom of the annexation of the Hawaiian Islands. No subject of public policy has received the consideration of the American people more extensively than this. It has been debated for the larger part of the century now closing, both in Congress and the popular forum. It has been the subject of numerous Executive messages, and two treaties of annexation have failed. But however great has been the difference of opinion in the United States upon the annexation of the Hawaiian Islands, there has been, and is to-day, no difference of opinion as to the danger and menace should they fall into the possession of any foreign nation.

And it has been the uniform position of the Government that acquisition of these islands by a foreign nation would be regarded by the United States as an unfriendly act.

The discussion which had been continuous for so great a part of our national existence came to a sudden and unexpected termina-

tion. Its end was in the events of the Spanish war, events which form an epoch in the history of this country and of the world.

That war made generally apparent to the people of the United States the strategic necessity of those islands, in view of war and a hostile fleet in the Pacific Ocean. They furnish the only base of naval operations in the Northern Pacific. In all that vast expanse of water, as is said in the report of the distinguished gentleman from Illinois [Mr. HITT], from the Equator to Alaska, from the shores of Asia to the shores of the United States, there is but one spot where a ton of coal, or a pound of bread, or a gallon of water can be obtained, and that place is in Hawaii.

Hawaii also contains Pearl Harbor, one of the best and easiest defended in the world, an inland lagoon practically surrounded by land, with a narrow arm extending into the sea, and before that entrance a coral reef with a passageway of but five hundred to a thousand feet in width, where by guns in fortification the navies of the world may be stopped.

But there was something else besides the naval and strategic importance of these islands that was demonstrated by the war. We obtained a great island empire upon the shores of the Orient, drawing sharply the attention of the American people to the great market for American produce existing in the East, especially in China.

The acquisition of that territory came at a time when China, both territorially and politically, was being divided and changed; when a civilization, the oldest in the world, extending back thousands of years, older than Rome, older than Greece; a civilization that extended far back into the dim half light of tradition, beyond Egypt and Thebes and the Sphinx; a civilization that was old in the days of the Persian and the Babylonian Empire, was breaking up, emerging into the light and life of the present day. The possibilities of that market for American produce—and America now produces more than she can consume, and the disparity will increase as the years go on—can not be overestimated.

The possibilities of that great market have been secured to the people of the United States by a triumph of diplomacy achieved by a Republican President and a Republican Secretary of State, a triumph that challenges the admiration of the world. So that both in a military and naval sense and commercially the importance of the acquisition of the Hawaiian Islands can not be exaggerated, and we may say to-day in fact what was said in argument for years in the past, that Hawaii is the Gibraltar of the Pacific in war, the key of the Pacific in peace, the paradise of the Pacific ever.

But whether the annexation of the Hawaiian Islands may be considered as the consummation of a long-settled policy upon the part of the United States or as the commencement of a new era of territorial expansion and commercial development, the step that has been taken can not be retraced. Hawaii is American territory by the solemn and the mutual agreement of two sovereign Republics. It is American territory absolutely and, humanly speaking, forever.

But while it is American territory, it does not possess American government. A part of the United States, it has no government of the United States. The annexation resolution, by which Hawaii became part of the United States, provided only for the continuance of a government in such manner and to be exercised by such persons as the President should appoint.

Its provisions were substantially the acceptance of the cession, a provision that the land laws of the United States should not extend to Hawaii, for a government by the President, for the continuance of the customs laws of Hawaii, for the exclusion of the Chinese, and for the assumption of the debt of Hawaii to the extent of \$4,000,000.

Such a government could be in its nature but temporary, a government depending simply upon the will of the President in the appointment of agents and in the decision as to the manner in which it should be exercised. It is a government that is un-American, a government constituted against every principle and tradition of our country. If it were to remain, it would be a most offensive monarchy. Its only justification is that it was temporary.

There was no provision for expression of the popular will; no provision for a legislature; no provision for the future needs of the people. No courts of United States jurisdiction were established. It was intended to be, and was in itself, and by its nature must have been, a mere makeshift, to remain in force only until Congress should act and give to the people of Hawaii a government suitable to their needs and suitable to their fitness.

And that was the way the government was put in practical operation, by the proclamation of the President on May 13, simply continuing in power those then in office, except those who had relation to the foreign affairs of the islands, and continuing in force the municipal law of Hawaii that was not in violation of our own Constitution.

That government has utterly failed to meet the needs of the

Hawaiian people. It has proved cumbersome, expensive, inadequate.

Many doubtful questions of admiralty jurisdiction have arisen. Under Article IV of the Constitution the judicial power of the United States extends to all questions of maritime and admiralty jurisdiction.

Here is the harbor of Honolulu, congested with shipping, with such questions arising almost daily, with no tribunal to pass upon them. Other questions have arisen in the administration of criminal law, as there is no provision in Hawaii for a grand jury, and a provision exists for a majority verdict of juries. There has been no power to make appropriations for public improvements, for roads, or to extend the wharves or harbor facilities.

The suspension of the conveyance of the public lands was ordered by the President in September, 1898. Persons who have had inchoate rights, homestead rights, and others have been unable to perfect their title. The Attorney-General rendered an opinion that although the municipal laws of Hawaii remained, yet the conveyances of the public lands were not authorized.

In addition, under this government large numbers of Japanese contract laborers have been imported into the island. By the last report which I have here, which has just been received, of the collector-general of customs of Hawaii, it appears that the immigration for 1899 was as follows: That there arrived in Hawaii 975 Chinese, 26,103 Japanese, and 5,647 of all others, and that there departed during the same time 1,514 Chinese, 2,780 Japanese, and 4,769 others.

Twenty-five thousand contract Japanese laborers have been imported into Hawaii since it was United States territory, subject to the United States laws, waiting for the United States Congress to give them a government.

It is time that this reproach upon the United States be removed, and the importation of contract labor into Hawaii be forever ended by the action of Congress.

Now, the duty is laid upon Congress to provide a government for these islands. In providing that government no question of general policy as to the people of other islands should have any weight. The government that we provide is to be decided, and decided alone, upon the needs of the Hawaiian people and upon their fitness for a representative and free government. In this way alone can we do justice to the people of Hawaii. They are entitled to a government for the Hawaiian people, not for the Puerto Rican, not for the Filipinos.

As to the character of the government that we provide, we should not be deterred by the fear of establishing any troublesome precedent for the future. If the conditions in Hawaii are not like those in Puerto Rico, in Cuba, or in the Philippines, then the establishment of the government that is made in Hawaii can form no precedent for such government, if any, as Congress may establish in other islands. Upon the merits of the case alone as applied to the Hawaiian people we ask you to provide a government for them.

Neither should we be deterred as to the character of the government we provide by any fear of a claim of statehood hereafter on the part of the people of Hawaii. They may never ask it. It may never be considered proper to grant it. But upon that question we can not bind the future.

We can not bind a single Congress that shall succeed this one. We can not bind the next session of this Congress. If claim is ever made for statehood upon the part of Hawaii, it must be decided by the Congress then representing the American people, and we can not make one hair black nor white in reference to that decision.

But there is nothing to fear, I believe, in this matter. I believe the Hawaiian people are content to go on under the free, representative government of a United States Territory, that shall give them the protection of the flag of the country and an opportunity to develop their wonderful resources, their marvelous, their beautiful country.

The American people can be trusted. For more than fifty years the Territory of New Mexico has been an organized Territory of the United States, often seeking statehood at the hands of Congress and uniformly refused.

For more than a generation the vast Territory of Alaska, the richest of land, one of the most valuable possessions of the United States, peopled with the boldest, the truest, and most enterprising American citizens, has existed, and yet has not an organization as a Territory. There is no fear of haste upon the part of the people of the United States or of Congress in granting the right of statehood.

I think I represent the opinion of every member here in saying that if it is possible for us to grant Territorial government to these islands like that of the other Territories of the United States—governments of which we have had experience, which have been perfected in the long years that Congress has dealt with them, governments which have had their particular laws generalized under statutes, and laws made applicable to all Territories—it is desirable to do so.

We are not met at the threshold of action by the question of the extension of the Constitution to Hawaii, for the annexation resolution provided that the municipal law of Hawaii that was not in contravention of the Constitution should remain until action by Congress. And this bill, in so many words, extends the Constitution to Hawaii; so that there has not been practically a moment of time since the Hawaiian Islands were annexed to the United States that the Constitution has not been the standard by which all the laws of that country must be measured. Before the annexation resolution and before our Constitution was extended there its spirit had gone.

For sixty years the spirit of the American Constitution, the foundation of our traditions and our history, has existed in Hawaii, permeating the body politic, enlightening the legislation of the islands. Together with the Constitution has gone the spirit of the Declaration of Independence, and the great guaranty of personal freedom that we extend to Hawaii is extended by the consent of the governed.

Can we, then, extend a free representative Territorial government to the people of Hawaii? There has been no time since the Northwest Territory that there has not been several organized Territories under the jurisdiction of Congress. Twenty-eight Territories in all have been organized. It has been the standard of government which we have adopted for all Territories of the United States where there was not a State organization.

Now, the question I ask the members of the House to consider, and one that seems to me to be a fundamental one, are the people of Hawaii fitted for it; will it meet their needs; are they fitted to receive suffrage; will they appreciate the great responsibilities of government that is put upon them? A word, then, as to the people of Hawaii. We have there about 110,000 people, the majority of them Asiatic—more than half Japanese and Chinese. But under our laws, under the bill as well as in the past, these Asiatics are and were not citizens of Hawaii in the sense of being entitled to suffrage or taking part in the government; and the moment that this bill is passed, the moment Hawaii is given Territorial government of the United States, the Asiatics, Japanese, and Chinese can never be citizens of Hawaii and can never exercise suffrage.

Now, what as to the remainder of the populace of the Hawaiian Islands? There are native Hawaiians, some 40,000 in number. The Hawaiians are a slowly dying race, fading out, soon to be wiped out from among the peoples of the earth. The first census of Hawaii was taken in 1836, and from that time up to 1874, when the reciprocity treaty with the United States started business and enterprise in Hawaii, every census has shown a large and rapid decrease in the Hawaiian people. No one can tell exactly the reason for it. The chief reason, perhaps, is that they more quickly take to the vices of civilization than to the virtues. They imitate its excesses; they do not possess its restraints.

Like the American Indian, wherever they come in touch with civilization they fade and die away. The position of the Hawaiian Islands also as a place for the calling of vessels of all nations has at all times offered inviting ground for epidemics, which have swept off the people in vast numbers. Whatever the cause may be, they are a rapidly dying, fading nation. Those that remain who will take any part under this government are fairly intelligent, simple, generally orderly; they are educated either in the English or in the Hawaiian language. All the younger portion of the Hawaiians speak the English language; the older ones speak the Hawaiian language, and the newspapers are published in both the Hawaiian and English languages.

In the early days of the missionaries—in 1820—the Bible was translated into the Hawaiian language. There are about 15,000 Portuguese. Of these more than half were born in the islands of Hawaii. More than half have been educated in the public schools of Hawaii, where the English language has been taught. They are orderly, peaceful, law abiding. We in America do not debar them from citizenship, and I think it will be admitted that in the large cities where there are many Portuguese they are among the best, most industrious, orderly, and tractable people.

The chief consideration as to the wisdom of extending the Territorial government to Hawaii and as to the fitness of the people to receive it is that there is in Hawaii a controlling class, American, English, and German, not oppressive, but that has guided the people, shaped legislation, and been faithful to the best interest of Hawaii through all the vicissitudes of its later history. Among those who have favored the reactionary tendencies, who have opposed the present government, this has been called the missionary class.

The missionaries went to Hawaii first in 1820—went there to plant the seeds of a Christian civilization. They went from New England. The king at that time, recognizing their great work and what they could do in the future for Hawaii, gave them and their families in the islands valuable lands. These missionaries were followed by other missionaries and their families. They acquired other lands, and they lived there, intermarried, and were soon after joined by other pioneers, business men, those who looked to

their own profit in going to Hawaii. They laid the foundation, industrial and commercial, of Hawaii upon broad grounds; they shaped its legislation in accord with the high model of American tradition. They will be in the future, as in the past, the great vital, ennobling force that shall make Hawaii the fairest and best of the islands that have become part of the nation.

For the citizenship that is created, those who will have the ballot, this bill provides for an educational qualification. We give to Hawaii the intelligent ballot by providing in Hawaii the voter must be able to read, to write, and to speak either the English or the Hawaiian language. If there is any danger in this country to-day, it is the ignorant ballot. If there is any safety for the people of Hawaii in the future, it is the intelligent ballot. Thus we propose to create and to give to these people a government of a free, representative, United States Territory, founded on justice and equality, and depending for its preservation and advancement upon the intelligent ballot of the United States citizen. [Applause.]

Now, Mr. Chairman, in this bill, Senate 222, the House reports the bill, striking out all after the enacting clause of the Senate bill and inserting that of the House. The report that goes with the latter is not the report that was made with the House bill, and is very short. The full report, which I would be glad for all members to have and to see, was made upon the House bill when it was reported, and is numbered 305; and I have endeavored to see that there should be a sufficient number by a reprint, so that each member of the House might have one in his possession.

I do not propose to go over in detail the provisions of this bill. Members of the committee are ready and will be glad to answer all questions and give all information upon the bill that may be desired.

The first two sections simply define what is meant in the bill by the laws of Hawaii. They are the laws which have been enacted by past legislatures of Hawaii and the constitution that was adopted by the republic.

Mr. RIDGELY. Will the gentleman allow me a question?

Mr. KNOX. Certainly.

Mr. RIDGELY. If I understand you, we are extending the same laws as to immigration and the importation of contract labor to Hawaii that we have in the United States, and the bill provides for a restricted franchise.

Mr. KNOX. Provides an educational qualification.

Mr. RIDGELY. Can the gentleman tell us as to about what per cent of population will be entitled to franchise under the provisions of this bill?

Mr. KNOX. About 80 per cent of the people are able to read and write.

Mr. RIDGELY. Of the entire population?

Mr. KNOX. Yes.

Mr. RIDGELY. Including the Japanese and Chinese?

Mr. KNOX. No.

Mr. COX. Mr. Chairman, I rise to a point of order. This conversation might as well take place in Hawaii for all we can hear.

The CHAIRMAN. Members of the House complain that they are unable to hear.

Mr. CANNON. I would suggest that the strong-lunged gentleman from Kansas go over to his side of the Chamber, and then the gentleman from Massachusetts, standing where he does now, will probably make himself heard.

Mr. RIDGELY. I availed myself of the liberty to come over to this side of the Chamber to hear the discussion, but I will get back on the other side. Now, if the gentleman will permit me, I will repeat my question.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kansas?

Mr. KNOX. I do.

Mr. RIDGELY. I understand from the gentleman that the bill restricts the right of franchise to an educational qualification. My question is, What part of the entire population will be able to vote under this bill?

Mr. KNOX. About 80 per cent of all there is, except the Asiatics, who can not become citizens.

Mr. RIDGELY. What per cent are Asiatics?

Mr. KNOX. A little more than one-half—nearly 60 per cent.

Mr. RIDGELY. What part of the actual population of the island is affected by this bill?

Mr. KNOX. Less than half, perhaps 47 per cent, as to the right of citizenship and voting.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman what provision, if any, is made in this bill to prevent Asiatics born in the island of Hawaii from becoming voters?

Mr. KNOX. None whatever in this bill. They would stand under the existing United States laws, under which a Chinaman can not be naturalized either in a Federal court or a State court. So, too, Japanese can not be naturalized.

Mr. WILLIAMS of Mississippi. But Chinamen born in the United States become American citizens.

Mr. KNOX. Under the decision of the Supreme Court.

Mr. WILLIAMS of Mississippi. Yes; and so it would be if they were born in Hawaii. Is there no provision in the bill that would curtail their right of suffrage there in any way except the educational qualification?

Mr. KNOX. No.

Mr. WILLIAMS of Mississippi. I understand. I merely asked the question because I was afraid the gentleman's answer to a previous question, put him by the gentleman from Kansas, would leave a wrong impression.

Mr. KNOX. I am very much obliged to the gentleman. I do not wish to have any misunderstanding.

Mr. BARTLETT. I wish to ask whether section 102, the last section of the bill, will not be somewhat in conflict with the decision of the Supreme Court to which the gentleman has referred?

Mr. KNOX. In what regard?

Mr. BARTLETT. It provides that Chinese who may be in the Hawaiian Islands when this act takes effect may within one year obtain certificates of residence under the act of May 5, 1892—the very act which the Supreme Court of the United States decided did not apply to Chinese children born in this country. If Hawaii became, in July, 1898, a part of this country, then children born there since July, 1898, of Chinese parents would be citizens of the United States.

Mr. KNOX. I should not agree that July 8—

Mr. BARTLETT. I did not say July 8; I said July, 1898.

Mr. KNOX. I should not agree that on July 8 the Constitution and laws of the United States went into operation in Hawaii, except as they went there under the annexation resolution.

Mr. BARTLETT. The gentleman must admit that there might be a conflict of opinion on this point, and the Supreme Court of the United States might apply the principle of the decision contained on page 168 United States Reports.

Mr. KNOX. I do not see how we could provide for that in the bill.

Mr. BARTLETT. It struck me that the provision of the bill was in conflict with the decision of the Supreme Court of the United States in that case.

Mr. KNOX. This section does not refer to children born in Hawaii since the annexation. It simply provides a means by which Chinese who are there may obtain within a year certificates of residence which would entitle them to remain there. That is all it undertakes to deal with; it applies only to Chinese who are actually there.

Now, the provisions of section 6 continue in force the municipal legislation of Hawaii—its municipal laws as they have existed in the past, provided they are not inconsistent with the Constitution and laws of the United States. The Constitution and laws of Hawaii, which are in violation of the Constitution and laws of the United States, are repealed or abrogated.

Mr. SMITH of Kentucky. In reference to section 6 I would like to ask a question. That section provides—

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Now, this bill, when passed, will be a "law of the United States;" and when we have said that "the laws of Hawaii not inconsistent with the Constitution or laws of the United States shall continue in force, subject to repeal or amendment," we have said, it seems to me, as much as ought to be said.

Mr. KNOX. If there are any provisions of this bill which are inconsistent with the laws of Hawaii, then the laws of Hawaii must give way in the same manner as they would give way to our existing Constitution and laws. The language to which the gentleman refers may not be absolutely necessary, but certainly it can do no harm.

Mr. SMITH of Kentucky. No; I do not see that any harm will be done; but it is always preferable to have the expressions in a statute as plain and concise as possible.

Mr. RIDGELY. I would like to ask another question. Does this bill permit the immigration of Asiatic people after its passage?

Mr. KNOX. The bill makes Hawaii United States territory, extending to it the laws of the United States. Immediately upon this bill becoming a law, all our laws restricting immigration and prohibiting the importation of contract laborers take effect at once in Hawaii, and that is the reason of our desire that the bill may be promptly passed. As I before stated, since July 8, the date of the annexation resolution, there have been some 25,000 Japanese contract laborers imported into Hawaii.

Mr. RIDGELY. That was my understanding of the bill, but the question and answer a while ago did not bring out that fact clearly.

Mr. KNOX. There is no question that the existing laws of the United States regulating immigration and the importation of contract labor will apply.

Now, in section 7—

Mr. WILLIAMS of Mississippi. Before the gentleman goes to that section will he allow me a remark? I notice on page 53 of the bill a provision that section 1890 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii. That is the statute, as I understand, which prohibits any religious corporation from owning more than \$50,000 worth of real estate in a Territory of the United States.

What was the idea in the minds of the committee when they prohibited the application of that statute to Hawaii? It seems to me it would be a good idea to provide against the dangers of mortmain, and there ought to be some limitation, whether \$50,000 or some other sum, as to the amount of real estate that may be acquired by any such institution.

Mr. KNOX. The reason for that provision in the bill was that there are now existing in Hawaii quite a number of charities very largely endowed, which are performing a very meritorious charitable work in the islands; and if this provision were extended it would militate against these institutions, which all the people there and all the Americans who have ever been there consider to be of the highest and most meritorious and beneficial character to the people of the islands.

Mr. WILLIAMS of Mississippi. But, if the gentleman from Massachusetts will excuse me, it being once admitted—and I think he himself will admit that the policy underlying the statutes of mortmain and the policy underlying all of our prohibitions against the ownership of property beyond prescribed amounts by religious corporations and charitable corporations, is a good policy—it being once admitted that that is a wise policy, then it seems to me that the fact that there are a good many charitable institutions in Hawaii which are doing a great deal of good does not militate against the wisdom of the statute.

If any of these corporations now own over \$50,000 worth of real estate, it might militate against the idea of fixing that particular amount, because that particular limit might act as taking their property without due process of law, and might interfere with their vested rights; but why not fix some limit in the statute?

Mr. KNOX. There is great force, of course, in the gentleman's suggestion, but to answer frankly, I do not think that the House would probably limit it to any sum that would cover these large charitable institutions in Hawaii. For instance, they run up to very large amounts—\$500,000. They hold that property now, and a greater amount probably.

Mr. WILLIAMS of Mississippi. I understand that we can not interfere with those who already own it, but why not say that charitable and religious corporations shall not hereafter acquire an amount exceeding \$50,000, leaving those that have their vested right the land which they now possess.

Mr. KNOX. Of course, considering the small number of people in Hawaii who constitute the thrifty class, the intelligent and controlling class there, and the great demand made on account of those who may become or are subjects of charity, and the great work these institutions do, it seems that the reason for the limitation upon the amount does not exist. There is another thing to which I call the attention of the gentleman—

Mr. WILLIAMS of Mississippi. In that connection—

Mr. KNOX. Just a moment. There is another thing that I call the attention of the gentleman to, and that is that while in America we have a vast country, consisting of many States, Hawaii is a small community, with probably less than half the number of people in the gentleman's district, and while the benefits are great in so small a community the evils can be but small.

Mr. WILLIAMS of Mississippi. Well, they may be coextensive with the territory and with the population. Now, is there not an actual danger that the majority of the real estate of Hawaii will go into dead hands—that is, into the hands of charitable and religious institutions?

Mr. KNOX. There would be nothing for anybody if the majority of the property of Hawaii went into the hands of such organizations.

Mr. WILLIAMS of Mississippi. That is a very bad condition for any country to be in, no matter how small.

Mr. KNOX. Well, it is very small, and I think the evil does not call for legislation.

Mr. COOPER of Wisconsin. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. KNOX. Yes.

Mr. COOPER of Wisconsin. Will the gentleman please state what these charitable organizations are, how they are organized, and for what purposes?

Mr. KNOX. I have a statement here of the charitable institutions in Hawaii. Aside from religious and charitable institutions, of which there are a number, Protestant and Roman Catholic,

there are several institutions of a charitable and educational nature—

Mr. RIDGELY. Mr. Chairman, a point of order. It is absolutely impossible for us to hear a word, and many of us are interested in this presentation of facts.

The CHAIRMAN. The committee will be in order.

Mr. KNOX. I would state to the distinguished gentleman from Wisconsin, as this is quite a long list and we have a perfect list here, would it answer or satisfy him if this should be inserted in the RECORD?

Mr. HAMILTON. I simply suggest to the gentleman that I will incorporate that statement into some remarks which I shall have occasion to make during the consideration of the bill. It covers all of these charitable institutions and the conditions surrounding each of them.

Mr. COOPER of Wisconsin. I notice that the opening paragraph of that statement is in language like this:

Aside from the religious and charitable organizations there are certain others.

Mr. KNOX. Aside from the religious and charitable institutions in Hawaii there are some—

Mr. COOPER of Wisconsin. That is just what I want to know. What are the religious and charitable institutions? You say there are certain other institutions aside from those. How much property on the islands do the charitable and religious institutions own?

Mr. KNOX. I am unable to answer that. I have received no figures.

Mr. COOPER of Wisconsin. Is not that the vital question that is raised by the gentleman from Mississippi [Mr. WILLIAMS]?

Mr. KNOX. I can say to the gentleman that education in Hawaii is not connected with any church or any denomination, but is absolutely unsectarian. Under the laws of Hawaii the schools are entirely separated from sectarian control.

Mr. COOPER of Wisconsin. Is there any limitation in the bill on the amount of property that a religious charitable institution or organization can own or acquire?

Mr. KNOX. There is none.

Now, in section 7 we undertake to give a list of the laws of Hawaii that are repealed, that are no longer in force on account of this provision that all laws must come up to the standard of the Constitution and laws of the United States. I think the very names of these laws will suggest a reason for their repeal. That is, by looking at the names of them you will see that they apply to an independent republic other than the United States, and would not be applicable to a country over which the laws of the United States were extended. But in the report, to which I invite attention, there is a statement of the laws which are repealed, with a brief description of them, so that any gentleman may find out for himself on examination the laws that have been repealed by this bill.

The offices which are abolished by this bill are no longer applicable to the United States territory. They are the president of the Republic, the minister of foreign affairs, of the interior, of finance, etc. The amendment to official titles requires no explanation.

Mr. COOPER of Wisconsin. Will the gentleman permit another interruption right there?

Mr. KNOX. Certainly.

Mr. COOPER of Wisconsin. Section 7 of this bill says that chapter 32, relating to ramie, and chapter 33, relating to taro flour, are repealed. Why are they repealed? What is the nature of them?

Mr. KNOX. They have no relevancy to anything existing now under United States laws. The report explains every one of these. By another section we simply undertake to keep all obligations, contracts, and rights of action which now exist, to secure and preserve vested rights, to provide for the continuance of litigation that has been begun in the courts of Hawaii, that it may go on to final judgment in courts of the United States and Hawaii, and that execution and judgment shall be properly enforced by proper officers of the United States or the Territory. The same provision applies both to civil and criminal proceedings, pending and unfinished, in the courts of Hawaii at the time that this bill shall take effect.

Chapter 2 provides for the legislative power. I would say that this whole provision in regard to a legislature for Hawaii does not differ from the general legislative provision as to Territories of the United States, nor does it differ from the provisions of our general Territorial laws as to legislatures.

The number of the house is made 30 and the number of the senate 15. I believe under the republic of Hawaii both houses were made up of 15 members. We have simply doubled the number in the popular branch, making it 30 instead of 15, and keeping the old number of 15 in the senate, preserving the names of house of representatives and senate, although our general Territorial law provides that the upper house shall be called the council and the lower the house of representatives.

The sessions of the legislature are biennial; the election is in the fall, and they meet in February. The provision is generally the provision of our law, that each House shall be the judge of the election and qualification of its members, and disqualifies all those who are employed by the government in other positions, and providing for the oath.

Mr. SMITH of Kentucky. I would like to make a suggestion to the gentleman as to section 18, which reads:

That no person shall be entitled to register or vote at any election in the Territory of Hawaii unless he shall take an oath to support the Constitution of the United States.

Does not the gentleman think that the verbiage of that section might be improved somewhat? There seems to be some question of whether a man every time he went to register should take a constitutional oath, and I would suggest that there be inserted "unless he shall theretofore have taken the oath."

Mr. KNOX. I suppose the gentleman would agree that the oath is a proper one, that he should support the Constitution of United States?

Mr. SMITH of Kentucky. Oh, yes; I do not disagree with that. I am not criticising requiring a man to take the oath. This language might impart the idea that at each and every registration had and every election held each voter should take the oath, notwithstanding he may have taken it a half a dozen times before. It seems to me that if you would make it read "unless he shall have theretofore taken the oath to support the Constitution of the United States" it would be much better.

Mr. KNOX. I hardly think the section is susceptible to the objection which the gentleman makes:

That no person shall be entitled to register or vote at any election in the Territory of Hawaii unless he shall take an oath to support the Constitution of the United States.

After he has once taken the oath and once registered, he is a voter.

Mr. SMITH of Kentucky. Yes; but does that say that?

Mr. KNOX. Would not that be a fair construction?

Mr. SMITH of Kentucky. Yes; but I want you to make it sure that it is that way.

Mr. KNOX. I think that would be the fair construction. If the gentleman thinks it doubtful, it could be changed, and there would be no objection to that.

Mr. SMITH of Kentucky. I would like to have it made plain and direct.

Mr. KNOX. The provision for the yeas and nays, the rules, the punishment of persons not members, are so like those of the United States' provisions that I do not think it necessary to refer to them. The compensation of members of the legislature is \$400 for a session that is limited to sixty days, and \$200 for an extra session, limited to 30 days, and mileage at 10 cents a mile each way. I believe under our general Territorial laws the Territorial council receives compensation at \$6 per day and mileage.

Mr. WILSON of Idaho. Will the gentleman answer a question?

Mr. KNOX. Certainly.

Mr. WILSON of Idaho. Referring to section 4, it is provided—

That all persons who are citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

Who were citizens then? Does that include any Chinese or Japanese?

Mr. KNOX. Under that provision the republic of Hawaii made citizens of the republic all persons born or naturalized in the republic of Hawaii. When the republic of Hawaii was formed, there were a few Chinese who had been granted citizenship, and the republic did substantially what this bill does; and with the exception of about 700 Chinese who had previously been naturalized in the days of the monarchy, there are no Chinese citizens, and that was the extent of the Asiatic naturalization; and of that 700 a very large number have departed.

Mr. WILSON of Idaho. Now, can you tell me how many come in under this act?

Mr. KNOX. None come in not already naturalized.

Mr. WILSON of Idaho. How many are there of them?

Mr. KNOX. There were not over 700 previous to the formation of the Hawaiian republic.

Mr. WILSON of Idaho. Of course, all Chinese born in Hawaii would be?

Mr. KNOX. They all are under our laws by this bill.

Mr. WILSON of Idaho. About 700 would include all Chinese citizens?

Mr. KNOX. And according to the best estimate, half of these have gone from Hawaii.

Mr. SMITH of Kentucky. Will the gentleman tell me why the 12th of August was fixed?

Mr. KNOX. The 7th day of July was the date of the passage of the annexation resolution. The President in his proclamation provided for the transfer of sovereignty—the actual ceremonies of

the transfer of sovereignty from the Hawaiian republic to the United States, which was to take place on the arrival of the *Philadelphia* with Admiral Walker. That vessel arrived, and the ceremonies took place on August 12. That was the day that the Hawaiian flag was run down and the American flag went up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

Mr. HITT. The gentleman is in control of the time. How could his time have expired?

The CHAIRMAN. Even if he were in control of the time, he must speak in subjection to the rules, which limits him to sixty minutes.

Mr. HITT. I thought an agreement had been made.

Mr. RICHARDSON. No; it was not made. I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Massachusetts may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KNOX. Mr. Chairman, I have already stated the number of members of the senate, and that general and special elections may be had to fill vacancies which may be occasioned in either house.

Now, the provisions as to the division of senatorial districts are contained on pages 63 and 64 of the bill. I will not read those. The universal testimony was that these districts were divided as fairly and with as much consideration for the convenience of the people and the voters as it was possible under all the circumstances, and no objection came from any quarter; and I would say the same in regard to the representative districts contained on pages 65 and 66.

The qualifications of a representative are simply the attainment of the age of 25 years, citizenship of the United States, and residence in the Hawaiian Islands for a space of three years.

Mr. MORRIS. I see that those are the qualifications of a senator; where are the qualifications for a representative?

Mr. KNOX. That comes later on, and differs in no way.

The first session of the legislature will take place in 1901. It is provided that the English language shall control in the title to laws and the enacting clause. The reading of the bill is in accordance with our own provisions, and the certification of bills from one house to another and the signing of the bills by the governor are in conformity to our own rules. The governor has the usual veto provided by the Territorial law.

Mr. SMITH of Kentucky. Have you provided in the bill that the final passage of bills in the assembly shall be by a ye-a-and-nay vote?

Mr. KNOX. Yes, and the governor is obliged to return a bill vetoed, with the reasons for the same.

Mr. SMITH of Kentucky. Have you made it mandatory?

Mr. KNOX. We have.

Mr. WILLIAMS of Mississippi. I notice on page 93, section 94, in connection with imports from Hawaii into the United States, this language:

That imports from any of the Hawaiian Islands into any State or any other Territory of the United States, of any dutiable articles not the growth, production, or manufacture of said islands, and imported into them from any foreign country after July 7, 1898, and before this act takes effect, shall pay the same duties that are imposed on the same articles when imported into the United States from any foreign country.

What was the date of our establishment of custom-houses out there?

Mr. KNOX. The customs laws of the United States have not been extended to Hawaii.

Mr. WILLIAMS of Mississippi. I thought we passed an act extending them some time ago.

Mr. KNOX. I think we passed it in the House at the last Congress, but it failed in the Senate.

Mr. WILLIAMS of Mississippi. I knew we passed it in the House at some time.

Mr. KNOX. Now, the appropriations on page 69, which the legislature may make, are to be made biennially. They are made upon estimates submitted by the governor substantially in accordance with our own provisions. The provisions of section 54 are perhaps a little different in providing that the governor, in case of failure to appropriate, may extend the appropriations that have been made before.

The legislative power, page 70, is but a repetition of our own law as to the subjects upon which Territorial legislation may be had.

Mr. GILBERT. I have not studied the bill carefully, but I would like to know whether, under the provisions of this act, the Chinese and Japanese and other Asiatics are entitled to give evidence, to serve on juries, and to perform all the other functions of citizenship except to vote?

Mr. KNOX. As I understand the laws of Hawaii, the juries

are drawn from citizens. Neither Japanese nor Chinese are citizens; they never have been and will not be.

Mr. HITT. They are denied naturalization by law.

Mr. GILBERT. Are they permitted to serve on juries?

Mr. KNOX. No.

Mr. GILBERT. Are they permitted to make contracts?

Mr. KNOX. Yes.

Mr. GILBERT. To sue and be sued; to give evidence in court?

Mr. HITT. They are aliens.

Mr. GILBERT. If you give them to that extent the right of citizenship, how are you going to deny them the equal protection of the law?

Mr. KNOX. In what way?

Mr. GILBERT. For example, the Supreme Court has held, as the gentleman knows, that the colored race have not secured a fair trial and have not secured the equal protection of the laws in these States where, by statutory enactment, they were not permitted to serve on the jury. Now, if you by this statute preclude the Asiatics from serving on the jury, has the Asiatic, when he is indicted and tried and convicted, been tried according to the law of the land?

Mr. KNOX. But the African in this country is a citizen and is entitled to vote.

Mr. GILBERT. The gentleman does not catch my point. Where the local State or Territory by legal statute precludes any particular class on account of race or color from serving on the jury or from being deprived of any of the rights of the white citizen, he has not been secured the equal protection of the law. Now, if this act deprives an Asiatic of the right to serve on a jury, can you convict him, under the Constitution of the United States, by a jury made up of another race, which other race has the exclusive right to sit on the jury?

Mr. KNOX. The colored man, or the African, is a citizen under our laws. He votes. The right that is withheld from the Japanese or the Asiatic is not taken away by this bill nor by the Hawaiian law. But under the existing laws of the United States Japanese and Chinese can not become citizens of this country. That is the effect of existing laws of the United States, which are simply extended over Hawaii by this bill. Those people are not a part of the body of citizenship under the general United States law, and they can not go on the jury list.

Mr. GILBERT. I was asking simply for information. Now, there is another question. Before the war we had a great deal of learned discussion down South as to what constituted a colored man or a negro. Now, it is conceded that the Japanese and the Chinese are not citizens of the United States. I do not know to what extent miscegenation is carried on out there, but suppose an Asiatic intermarries with an American citizen; is the offspring of such a marriage a citizen? Are half-breeds citizens under this bill?

Mr. KNOX. I have answered that before. Under an express provision of the law of 1882 we do not naturalize Chinese.

Mr. GILBERT. I am aware of that.

Mr. KNOX. That law provides that no Chinese shall be naturalized either in a Federal court or a State court. We do not naturalize Japanese, not by virtue of any express provision of law, but by a judicial decision. It is true this matter rests only upon a decision of a circuit court—a circuit court, I think, in Boston. But Japanese are held not to be free white persons under the provisions of our laws. The constitutional amendment is held to be for the benefit of persons of the African race.

Mr. GILBERT. Exclusively.

Mr. KNOX. Yes; exclusively; and a Japanese is not considered a free white person. I have a little brief in regard to the citizenship of Japanese; but I understand the whole matter rests upon the decision of a circuit court that they are not free white persons.

Mr. WILLIAMS of Mississippi. This bill has been sprung on us rather suddenly, and hence I desire to ask another question. I notice the suffrage provision—

Mr. COOPER of Wisconsin. I wish to ask this question: The Supreme Court has decided, has it not, that the child of a Chinaman who can not himself be naturalized is a citizen of the United States if born in the State of California?

Mr. KNOX. That is a recent decision.

Mr. COOPER of Wisconsin. Now, would not a child of Chinese parents born in Hawaii become a citizen?

Mr. KNOX. Undoubtedly, when our laws are extended there.

Mr. COOPER of Wisconsin. If of mixed blood, would not that child be a citizen?

Mr. KNOX. It would. If children of Chinese parents, who can not themselves be naturalized, are citizens, a fortiori children of the half-blood, born in the United States, would be citizens.

Mr. WILLIAMS of Mississippi. I desire to call the attention of the gentleman from Massachusetts to the suffrage provisions on page 73 and 74 of this bill. And, by the way, I have no quarrel with them. I think they are admirable in their character—

almost a transcript of the Mississippi constitution and tending strongly toward the preservation of white supremacy and civilization in Hawaii.

Mr. KNOX. We are very much complimented. [Laughter.]

Mr. WILLIAMS of Mississippi. I notice on page 74 a provision in these words:

Prior to registration the person undertaking to vote must have paid a poll tax of \$1 for the current year.

Now, if the poll tax could be paid upon the day of the election, or but a very short time in advance, politicians could, of course, come in and virtually buy votes by paying the poll tax for those desiring to vote; whereas if the poll tax is required to have been paid a considerable time in advance of the election—nine months in Mississippi—the class of people who sell their votes would hardly be trusted by politicians during that length of time. Hence, I should like to know about how long a time is to pass between the last day on which the poll tax can be paid and the day of the election.

Mr. KNOX. Under one provision which it was proposed to insert in this bill the voter must have paid all his taxes; and he is taxed for many things, the individual tax alone amounting to \$5. In order to extend suffrage as far as possible this provision was modified so as to require the payment simply of a head tax; and according to that provision, as I recollect it, the time of registration extends close up to the time of election; but the tax must be paid before registration.

Mr. WILLIAMS of Mississippi. I understand that. What I desire to know is how long before the election the registration closes. This is a very important matter, in order to consummate what you desire to consummate.

Mr. KNOX. That is all in the report that is before you. I will have to turn to it in order to give you the length of time that registration must precede the election.

Mr. WILLIAMS of Mississippi. The object of my inquiry was to know how to vote when we came to it, because a poll-tax provision, the payment of which can entitle a man to vote if the payment be made immediately prior to an election, is no safeguard of any sort; whereas if a considerable time passes, it is a very estimable safeguard.

Mr. KNOX. The provision of the bill is simply that he shall pay his poll tax prior to registration, and in the report which you have before you, and which I will look at in a moment, the exact time when registration closes is provided. The exact time when he may register is provided there.

Mr. WILLIAMS of Mississippi. And he must pay the poll tax "prior to registration."

Mr. KNOX. Yes; he must pay it prior to registration. I agree with the gentleman that allowing the poll tax to be paid up to the time of voting used to be quite a common practice and might be liable to abuse.

Mr. WILLIAMS of Mississippi. Yes.

Mr. KNOX. That was done away with in our State by abolishing the poll tax as a requisite for voting.

Mr. WILLIAMS of Mississippi. We did away with the evil by providing that all poll taxes due up to the February of the year preceding the election should have been paid on or before February 1, and in that way the politician had no temptation to buy voters by paying the poll tax.

Mr. KNOX. The provision here is that it must be paid previous to registration, and I will give you the exact time for registration in a moment.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. KNOX. Certainly.

Mr. RIDGELY. Does this bill treat all the inhabitants of Hawaii as citizens when it goes into effect?

Mr. KNOX. All except the Asiatics.

Mr. RIDGELY. The Asiatics are not admitted to citizenship in the island?

Mr. KNOX. They can not be under our United States laws. The laws of the United States are extended to Hawaii, and the Chinese and Japanese, as I have tried to explain, can not be citizens of the United States.

Mr. RIDGELY. Now, one other question. Do you hold that the Constitution now applies to Hawaii?

Mr. KNOX. We extend it by this act, when it goes into effect.

Mr. RIDGELY. And you hold that it never has applied until extended by legislation?

Mr. KNOX. I do not believe, as the gentleman does, that the Constitution of itself goes to the islands after we have acquired them; but fortunately that question does not arise in reference to Hawaii, because the resolution which annexed the islands to the United States provided that all the municipal law of Hawaii that was not in contravention of the Constitution of the United States should be extended to it, so that the annexation resolution negatively extended the Constitution. This bill affirmatively extends it, and there never has been a time when there has been a hiatus, or when the Constitution of the United States was not the controlling

power in Hawaii, since the annexation by special legislative enactment, which nobody denies the power of Congress to make.

Mr. RIDGELY. And if I understand the gentleman, the Asiatics now in the islands can not come into this country because of their being there at the time this law goes into effect?

Mr. KNOX. That is another question which will arise under the last section. There are some gentlemen in the House who apprehend that under the provisions of the last section of the bill the Chinese may, within a year, obtain their certificates of residence in Hawaii, and that they may then come into California or Oregon and take the benefit of the wages and employment they can get there. I do not think, and the committee do not think, that can be done, but there is some doubt about it, and an amendment is to be prepared covering that, and I will say to the gentleman that we entirely agree that that should not be allowed, and provision will be made to prevent it.

Mr. RIDGELY. Another question, and I am done.

Mr. KNOX. Oh, certainly; anything you desire to ask.

Mr. RIDGELY. All who may be born on the islands of Asiatic parents will, by reason of their birth, be entitled to come into this country as citizens?

Mr. KNOX. They will be citizens. That is a decision of the Supreme Court.

Mr. WILSON of Idaho. They would be citizens if born here.

Mr. KNOX. They become citizens if born under this jurisdiction.

Mr. WILSON of Idaho. They would be citizens if born in Washington.

Mr. KNOX. We can not change that.

Mr. RIDGELY. And over 60 per cent of the population of the islands are Asiatics.

Mr. KNOX. More than half.

Mr. RIDGELY. Then we have a pretty wide door open for the admission of the Asiatics as citizens of this country.

Mr. KNOX. Let me say to the gentleman that of all the Asiatics who come over, very few are females. The Chinese come to Hawaii with the intention of remaining a few years and acquiring what is to them, in their own country, a competency and then returning. So do the Japanese.

Their whole purpose, and the whole dream and object of their life, is to return, and they do return. I am not giving exact figures, but they are approximate. Out of 50,000 Asiatics in Hawaii there are not 5,000 females.

Mr. WILSON of Idaho. Will not our Chinese-restriction laws apply to Hawaii as soon as this bill passes?

Mr. KNOX. Precisely. The laws of the United States cover that subject; and I will say to the gentleman from Kansas that the Asiatic births in Hawaii are exceedingly small in number and scarcely worth counting.

Mr. WILSON of Idaho. And if the gentleman will allow me to refer to subdivision 6, under the restriction of qualifications of voters for representatives, page 74, I notice a provision that they shall be able to speak, read and write the language of the United States or the Hawaiian language. I think that is a very admirable provision, which ought to be a statute of every State in the Union. It is an educational qualification, but I believe it is a new departure in Congressional legislation.

I do not know of Congress ever having made an educational qualification before. I think that will ultimately restrict, perhaps, the voting of native-born Chinese. I would like to have the gentleman's opinion as to why that provision was inserted in the bill, it being a departure in Congressional legislation.

Mr. KNOX. Well, it was the unanimous opinion of the committee that it was wise, and it was the unanimous desire of the persons from Hawaii who were here, who had had experience and had observed the people there, that the provision should be in the bill. They thought it was a safeguard and the best that could be adopted.

Mr. GILBERT. May I ask the gentleman a question?

Mr. KNOX. Oh, certainly.

Mr. GILBERT. I want to refer to section 1977 of the Revised Statutes of the United States:

All persons within the jurisdiction of the United States shall have the same rights in every State and Territory to make and enforce contracts, to sue—

And so forth—

and to the full and equal benefit of all laws—

And so forth.

Now, that section, of course, remains in force under the provisions of this act. I do not understand, and I would like to have you explain, how that statute can remain operative and at the same time by this act make a discrimination between the two races.

Mr. KNOX. We extend the laws of the United States.

Mr. GILBERT. But do you extend this statute there, too?

Mr. KNOX. Precisely. Now, where does the bill make any discrimination which you think is a distinction?

Mr. GILBERT. Why, by this statute all race distinctions are obliterated. Every man is secured the equal protection of this law. By your bill you preserve race distinctions and discrimination.

Mr. KNOX. In what regard?

Mr. GILBERT. As to their political rights. They are in conflict if you discriminate at all. If they have existed, they are in conflict with this statute which I have just read.

Mr. KNOX. By this very bill we extend the provisions of section 1977 to the people of the Hawaiian Islands. It does not apply to their political rights, but civil rights. We take away none of them, and the purpose is to take away none of them.

Mr. SMITH of Kentucky. I would like to ask the gentleman from Kentucky a question, which I think will answer his.

Mr. GILBERT. Well?

Mr. SMITH of Kentucky. Does the gentleman know where any Chinaman in any Territory of the United States can serve on a jury?

Mr. GILBERT. I do not know whether he can or not; but that does not meet the difficulty. The Supreme Court has repeatedly held that where a statutory enactment deprives a colored citizen, or a colored person, of his right to serve on a jury, that is to that extent a restriction of his political rights, and he is thereby deprived of equal protection of the laws. I want to know if we can have Hawaiian laws with race distinctions, notwithstanding the court has said that that is a discrimination and that it would deprive them of the equal protection of the law?

Mr. KNOX. The decisions of the Supreme Court of the United States will be equally operative in Hawaii as in any portion of the United States as to any constitutional right which he possesses. It does not apply to his right to vote.

Mr. GILBERT. I said in the outset that I was asking questions for information.

Mr. KNOX. I fear I can not give the gentleman all the information that he desires, but what I can I freely give.

Mr. GILBERT. This bill does not disclose who were citizens in the particular time designated in the bill. Will you please, for my benefit, tell me who were citizens?

Mr. KNOX. All persons who at the time this bill goes into effect were citizens of the republic of Hawaii and made citizens of the United States and the Territory of Hawaii.

Now, when the republic of Hawaii was formed, four years before the passage of the resolution, of course those who were citizens under the monarchy were citizens under the republic. And these are made citizens by the bill.

Mr. GILBERT. Were there any marriages there between Asiatics and others?

Mr. KNOX. I do not know. I think that matter was not called to the attention of the committee at all. On pages 8 and 9 of the report the whole matter that the gentleman inquires about is put in figures. In the provisions of the bill, on page 74, is given the method of voting for senators. In that provision we did away with the accumulative voting which had prevailed in Hawaii.

Of course the provision as to registering in Hawaii had to be taken and entirely changed, or changed in a great degree, because there was a property qualification under the old law. The names of the officers of the republic had to be changed; and in the report the gentleman will find the registration laws that are repealed by the bill and all that are continued in force. The governor has the same power substantially as under our own Territorial laws. The secretary of the Territory corresponds to ours; the attorney-general and the treasurer are substantially the same as our own.

In regard to the public lands of Hawaii, the laws applicable to them and the reasons for the provisions are stated fully in the report. So as to the commissioner or superintendent of public works, the superintendent of public instruction of Hawaii, the surveyor, the sheriff, and also the appointment, removal, and tenure of office.

The judiciary is to consist of a supreme court and such inferior courts as the legislature may from time to time establish. There is also to be a Federal court, with jurisdiction entirely distinct from the Territorial. It was the unanimous opinion of all before the committee that with the increased commerce at Honolulu and the various new questions arising there would be ample business for a Federal court in the islands. The provision as to a Delegate in Congress is substantially that of the general Territorial law which has existed for many years.

Mr. WILSON of Arizona. Will the gentleman be kind enough to tell me on what page the judiciary is provided for?

Mr. KNOX. On page 86 of the bill, and the Federal court is provided for on page 90 of the bill. Hawaii is made a customs district and an internal-revenue district.

Now, Mr. Chairman, with these remarks, unless there is something more to be said or inquiries to be made by other gentlemen, I will yield to my friend the gentleman from Pennsylvania [Mr. McALEER] such time as he desires or such time as he wishes to yield.

Mr. McALEER. Mr. Chairman, I do not wish at this time to speak on this bill, but perhaps later on I may say something on the subject. I find there are a large number of gentlemen on this side anxious to be heard, and I will yield to the gentleman from Indiana [Mr. ROBINSON].

Mr. WILLIAMS of Mississippi. Before the gentleman from Indiana begins, I would like to suggest that an attempt be made to make another agreement as to the time.

Mr. KNOX. I thought that would have to be done in the House. I will say that if there is no objection we will act as if the agreement was made, and when we come into the House again I will ask unanimous consent.

Mr. ROBINSON of Indiana. I will ask the gentleman from Massachusetts to make the request that he made this morning. The gentleman from Colorado was under a misapprehension.

Mr. KNOX. I will do so, and in the meantime we will act as if the request had already been made and granted.

Mr. ROBINSON of Indiana. If the gentleman does not make the request I will do it. The gentleman from Tennessee was going to do it.

Mr. KNOX. Very well, we will follow it as if it had already been granted.

Mr. FINLEY. Mr. Chairman, I would ask if the committee can not now rise and let that agreement be made in the House.

The CHAIRMAN. The Chair is of the opinion that the committee has the power to control the time.

Mr. KNOX. Then, Mr. Chairman, I will ask unanimous consent that the remainder of the time be controlled by the gentleman from Pennsylvania [Mr. McALEER] upon that side of the House, and by myself upon this side, and that the time be equally divided.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the remainder of the time be divided equally between the two sides of the Chamber, one-half to be controlled by the gentleman from Massachusetts [Mr. KNOX] and the other by the gentleman from Pennsylvania [Mr. McALEER].

Mr. KNOX. And that gentlemen who make remarks have permission to extend their remarks in the RECORD.

The CHAIRMAN. The Chair is of opinion that the committee has not the power to do that. But the House having made no order as to the time, it is in order for the committee, by unanimous consent, to agree to the proposition of the gentleman from Massachusetts. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. McALEER. Now I yield one hour to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Chairman, in these troublous times of acquiring and governing outlying island possessions and efforts at once to sustain the Constitution the interest of labor seems neglected.

I yield to no man a superior regard, but am willing to concede to each an equal regard, for labor as that which I have myself.

Here and now we have our opportunity, not by promises, but by performance, not by words, but acts, to show our fidelity to that great cause not only in the Hawaiian Islands but here at home.

I approach this subject of labor in those islands with feelings of sadness as well as of responsibility.

The American Federation of Labor on December 19, 1899, in convention assembled at Detroit, Mich., resolved as follows:

We affirm our previous position on this question, namely, that there must be no slavery or serfdom by ownership or contract tolerated under the American flag, and that we will make anyone whose action shall in any way militate against this principle of human freedom responsible for such action in every legitimate manner open to us.

On the 7th day of July, 1898, a joint resolution of the House of Representatives and the Senate was approved by the President. Among other things, it provided "that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof;" and "the municipal legislation of the Hawaiian Islands not enacted for the fulfillment of the treaties so extinguished and not inconsistent with this joint resolution, nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine;" and further, that "the President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper."

Under this resolution the President appointed Senators CULLOM, of Illinois, and MORGAN, of Alabama, and Mr. HITT, of Illinois, of this country, and ex-President Sanford B. Dole and Judge W. F. Frear, of the Hawaiian Islands. A hundred thousand dollars was appropriated to carry out the purpose of the resolution. The resolution also provided that "there shall be no further immigration of Chinese into the Hawaiian Islands."

That commission, after an excursion to the islands, filed their report in December, 1898, and with it presented a bill with their recommendation, which is the same as the bill presented by one of the commissioners in the Senate and one of the commissioners in the House of Representatives. Never before has a commission presented a measure to either body with provisions so un-American, so hostile to the genius of our institutions, as the bill recommended by this commission.

The bill now before the House is that bill torn to pieces and dismantled by the committee, and, save on the subject of contract labor, it might be identified as American.

This Hawaiian bill nowhere and in no wise protects or encourages American labor, here or there, and this policy is in keeping with the actions of this and last Congress dating back from this hour to the hour of the admission of the Hawaiian Islands. It is time to call a halt and to make an inquiry.

You of the majority have done nothing, absolutely nothing, to prohibit the importation of contract labor into the Hawaiian Islands, because influences there and here believe they can exploit them for commercial ends—the only motive that moves them—better by contract labor, and I will prove it.

You call caucuses to pass party measures. Why not go to some extremes to protect labor and destroy this infamous contract-labor system?

On the contrary, you provide by section 10 of this bill "that all obligations, contracts, and rights of action shall continue to be effectual," and that "penal proceedings shall be carried on," etc., without destroying the slave contracts already existing. Are they so inviolate that you dare not put your finger upon them?

This means that 40,000 laborers' contracts shall be continued in force and that the penal proceedings to enforce them shall continue; that slave men and women shall be imprisoned for failure to keep a civil contract. It means that involuntary servitude shall exist in the mills and on the plantations; that involuntary imprisonment with a felon's stripes shall be the remedy for enforcing civil rights between the favored masters of Hawaii and the cringing contract-labor slaves. It means that you would crucify labor on the cross of landlordism and money in Hawaii. True, the Senate amendment, which I hope will prevail here, strikes these contracts down.

Yielding to the distinguished chairman of the Foreign Affairs Committee, than whom none is more popular here or in his State, the gentleman from Illinois [Mr. HITT]—yielding to him the highest character for probity and good intentions, ability and skill as a lawmaker, and as to his colleagues on the commission in the Senate I say the same, yet—I measure my words—these three American lawgivers, as commissioners, were seduced and bunced by their Hawaiian conferees and by the influences on the islands.

Passing over the wining and dining of the commission over on those delightful islands by the notables and the government officers, I pass to the result of the inspiration produced, as reflected in their report. First, on page 17, they say:

The question whether white labor can be profitably utilized in the sugar plantations is yet a problem, but the planters are preparing to give such labor a trial, and some of them believe it will prove superior to the labor of either Chinese or Japanese.

S. M. CULLOM, Chairman.

Most remarkable language for an American commission. Again they say in this report, on page 2:

The commission visited several of the most important islands of the Hawaiian group in company with persons representing important agricultural and commercial interests and others representing the government.

Under this influence they found, in the absence of any representatives of labor, that white labor "is yet a problem," not yet solved, but that some think that white labor will prove superior to "Chinese and Japanese labor."

Disagreeable as it is, the proof is clear to me that those in power here and interested in profit and dollars in Hawaii seek to have this Government sanction the contract-labor system, and will claim, as the proof shows they do claim now, that only by contract labor can Hawaii be worked. It is probably more profitable to work the islands thus, but it remains to be seen whether this Congress will put money above manhood, contract slave labor above free labor. If so, better for labor that those islands had never rose from the bottom of the sea, or that some volcanic convulsion had sunk them, than that they should have been a part of our territory and be a constant menace to our labor.

The bills introduced in Congress by the representatives of that commission and set out and recommended in this report are outlandish and un-American, and amount to a rape and destruction of American labor.

Those who are ready to pass a bill to exclude the best class of immigrants from this country had better scan well the policy that has invited undesirable oriental contract labor to our islands and the system of slave contracts by which they are held.

We were told in both Houses as a reason for annexation that the climate was temperate and salubrious, the soil fertile, and that

by annexing Hawaii we opened up a vast field for the profitable and remunerative employment of American labor.

How changed the picture! Now the commission says, "Some think that white labor may be superior to Chinese and Japanese labor."

Analyze the contract-labor system; see the contract laborers stored in steerage like sardines in a box, huddled together, men, women, and children; see them on the plantations, the whole family working under contract, the men for from \$15 to \$18 a month to pay their passage and board and clothe themselves; see them huddled together in prison for failure to keep their contract, and then tell me whether American white labor can compete in a country prompted by such sentiments and under such conditions. When it does, it will be when the sun shines at midnight and the moon at midday, when nature stops to take a rest, and when men forget to be selfish.

The population of the islands in December, 1898, as affirmed by the report, was: "Hawaiians and mixed blood, 39,000; Japanese, 25,000; Chinese, 21,500; Portuguese, 15,000; Americans, 4,000; British, 2,250; Germans and other Europeans, 2,000; Polynesians and miscellaneous, 1,250; total, 110,000."

The Japanese and Orientals predominate in numbers. Hawaii had a treaty with Japan that gave the citizens of the latter free ingress, being a "favored nation clause." By the resolution of annexation we struck this down and established our own treaty relations with Japan. This was only the enforcement of a well-established principle of international law. Our treaty with Japan provides that the United States may at any time control or prohibit the immigration of Japanese laborers to the United States. The party in power has never invoked this right to protect the interest of labor.

Note the number of Chinese and Japanese we have added to our population. Since annexation, July 7, 1898, thousands of foreign contract labor have been flowing into the Hawaiian Islands, so that to-day 40,000 contract laborers, or more than one-third of the population, are on the islands because Congress did not prohibit this infamous dealing in human chattels in the resolution of annexation.

It could have been done. The Chinese were excluded by a section of the resolution; but it was not the policy of the annexationists; it was not the policy of the administration of Hawaii, nor of those in charge here, to do it, because it is thought that the islands can be more cheaply and profitably worked by foreign contract labor. Those voices which were raised for annexation proclaimed that Hawaii was near to us—she is far enough away, but near enough to infect our laboring men with the pestilence of her labor system.

Hear this proof:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER-GENERAL OF IMMIGRATION,
Washington, February 9, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of 8th instant, and to state in reply thereto that this Bureau has no means by which to secure statistics of Japanese immigration to Hawaii, for the reason that its jurisdiction has not as yet been extended over that Territory.

However, it is ascertained that under date of January 6, 1900, Mr. Joshua K. Brown, Chinese inspector at Honolulu, forwarded the following information to the supervising special agent, this Department:

From August 12, 1898, to December 31, 1898:	
Japanese arriving under contract	4,652
Japanese arriving "free"	669
Total for fractional part of 1898	5,321
From January 1, 1899, to December 31, 1899:	
Japanese arriving under contract	20,561
Japanese arriving "free"	5,377
Total for year 1899	25,938
Total from August 12, 1898, to December 31, 1899	31,259
Japanese under contract to arrive within the first three months of 1900	2,750
Total admitted and under contract to arrive	34,009

Number who have departed from the islands during the same period. 242

This is all the data in possession of this office concerning the subject referred to, and it is trusted that it will answer your purpose.

Respectfully, yours,

T. V. POWDERLY,
Commissioner-General.

HON. JAMES M. ROBINSON,
House of Representatives, Washington, D. C.

This shows the importations from Japan only. Other nations are contributing contract laborers to this Hawaiian system. It will be seen that of 34,009 Japanese arriving, only 242 have departed in the same period, thus showing that the statement made that they leave is misleading.

The Pittsburg Dispatch (Independent) of September 26, 1899, referring to the dispatch from Yokohama that the sugar interests of Hawaii had collected 10,000 Japanese contract laborers for shipment to the islands, "and that Japan was alarmed at the exodus present and future contemplated," remarked significantly "that it was a cause of more just alarm to the United States."

Is it any wonder that the labor interests and organized labor is crying out against this infamous system that is trending toward their own enslavement? Can they not well doubt a government and their security for the future when that government tolerates such a scourge?

Cardinal Gibbons, in his able paper to the Knights of Labor, said:

The time has come in the world's history when the church should seek an alliance with the masses and should abandon special efforts to conciliate the mighty in war, the powerful in trade, the great ones of the earth, because in the future the control of the destinies of the world rests with the people.

Sir, some Hawaiians are in this country, representing the people and the labor interests, which class, they say, were not represented before the Hawaiian commission.

One is Mr. Robert W. Wilcox, a native of the islands, who, as a young man, was sent for six years to a military school in Italy by King Kalakau, and the other, Mr. Edgar Cayless, a lawyer, of Honolulu, formerly of New York, and a graduate of the South Carolina University. The latter says "that over 25,000 Japanese have been imported there during the past year and a half under contract to labor for a term between three and five years."

These contract laborers were brought to Hawaii for the money that is in them. Let us be honest. This editorial of the Washington Post of Sunday, January 21, 1900, which has favored the Administration's policy of island acquisition, is candid and honest with the laboring masses. It reads:

LET US BE HONEST.

Why can not we be honest in our utterances touching the territories we have recently acquired? Really it would save time and trouble, to say nothing of life and treasure, to come out frankly with the announcement that we have annexed these possessions in cold blood and that we intend to utilize them to our profit and advantage. All this talk about benevolent assimilation; all this hypocritical pretense of anxiety for the moral, social, and intellectual exaltation of the natives; all this transparent parade of responsibility and deep-seated purpose; all this deceives nobody, avails nothing, helps us not an inch in the direction of profit, dignity, and honor. We all know down in our hearts that these islands, groups, etc., are important to us only in the ratio of their practical possibilities. We value them by the standard of their commercial usefulness, and by no other. All this gabble about civilizing and uplifting the benighted barbarians of Cuba and Luzon is mere sound and fury, signifying nothing. Foolishly or wisely, we want these newly acquired territories, not for any missionary or altruistic purposes, but for the trade, the commerce, the power, and the money there are in them. Why beat about the bush and promise and protest all sorts of things? Why not be honest? It will pay.

As a matter of fact, we are not concerned in the ethical or religious uplifting of the Filipinos. After all, the difference between a breechcloth and a starched shirt front is a mere matter of climate and personal opinion. Dishonesty, untruth, crime, and general wickedness are here in our midst—present with us as part of our daily life and growing with our growth. We need not go to the West Indies or the Philippines in search of material for moral rescue. Our own slums abound with opportunities for missionary zeal. Why not tell the truth and say—what is the fact—that we want Cuba, Porto Rico, Hawaii, and Luzon, together with any other islands in either ocean that may hereafter commend themselves to our appetite, because we believe they will add to our national strength, and because we hope they will some day become purchasers at our bargain counters? We might as well throw off the pious mask and indulge ourselves in a little honest candor. It will cost us nothing, and it may profit much. At any rate, we shall have the comfort and satisfaction of being honest with ourselves and the privilege of looking into the mirror without blushing.

Now, after this plain avowal from a competent and reliable source, with the evidence all one way to prove it, it is clear that the ruling money power interested there under the Dole régime desires to hold the Hawaiian Islands for a like purpose and from like motives. With 40,000 laborers imported under the eye and by the aid of the United States Hawaiian government officials since annexation, where is the protection to American labor?

The chairman of the Committee on the Territories, the gentleman from Massachusetts [Mr. KNOX], in January, 1899, by his objection, and on another occasion by a point of order raised, denied consideration to and prevented the passage of a bill which would have destroyed this nefarious system of contract labor.

The proceedings thereon are as follows:

MR. GARDNER of New Jersey, chairman of the Labor Committee, asked unanimous consent for the immediate consideration of a bill to extend the labor laws of the United States to Hawaii.

MR. KNOX (Massachusetts) said: "Mr. Speaker, I object, as that matter is provided for in a general bill relating to Hawaii," as shown on page 932, volume 32, part 7, third session of the Fifty-fifth Congress.

The bill sought to be enacted then reads as follows:

Be it enacted, etc., That the act approved February 26, 1885, to prohibit the importation and migration of foreigners, aliens, under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, and the acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to the Hawaiian Islands.

The gentleman from Massachusetts [Mr. KNOX] a long time after, in explanation of his obstruction to this salutary legislation at that early and opportune time, by voice and vote then confessing, said his only ground of objection was that he was "opposed to piecemeal legislation," and that his own committee had a bill including other provisions. His committee was then nursing and trying to have considered the bill with the outrageous provisions to which I have referred. But time was of the essence of this action in the House, and by his opposition in the House he delayed

and defeated labor, and prevented the passage through the Senate of a bill of like import which he voted for later, but which reached the Senate too late for passage, though favorably reported by committee.

The Republican party in power then in the House is responsible for his action, and he is responsible for the failure to pass a law that would have kept out contract labor from the Hawaiian Islands, for in his hands lay the power and in his party was the power, as it was charged with the duty of legislating against this crying evil.

Let me read the words that came from the chairman of the Committee on Labor [Mr. GARDNER of New Jersey] as to the anticipated and evil consequences of that objection:

Mr. GARDNER of New Jersey. Mr. Speaker, the facts as officially ascertained, which makes it undesirable to delay longer such legislation as this, are that 3,000 contract laborers are already known to have reached the Hawaiian Islands since the annexation, and that the very day following the passage of the resolution of annexation contracts for the importation of only a few less than 6,000 laborers were approved by the government, and that some 3,900 of those laborers are to be brought in during the first quarter of 1899.

The gentleman from Massachusetts [Mr. KNOX] is unfair when he says that these contracts were made before the bill was introduced. The making of the contracts was the cause for the introduction of the bill. There is nobody in the United States, so far as I know, that wants the door left open for the introduction of these Japanese coolies save only the gentleman from Massachusetts, and he wants them for a special purpose, to wit, to assist the House of Representatives in passing a bill for the Committee on Territories.

Mr. KNOX. The reason of the objection to the bill that the gentleman has referred to was that there was a general bill before our committee, of which that bill, if it contained desirable legislation, should have been a part.

Mr. ROBINSON of Indiana. The bill you had then in your committee?

Mr. KNOX. Yes; the bill which was being considered in our committee.

Mr. ROBINSON of Indiana. "The Lord hath delivered mine enemies into my hands." Mr. Chairman, what bill was it that was before the gentleman's committee? It was the bill containing the outrageous provisions to which I have referred.

Mr. KNOX. Not at all.

Mr. ROBINSON of Indiana. It was the bill providing that the supreme court should be appointed by the governor of the Territory, and provided a life tenure. It was the bill which prescribed a property qualification of \$1,000 as a condition of the right to vote. It was a bill that provided that neither house of the legislature, without the consent of the other, should adjourn for more than three days, and if either house did so adjourn, the other should proceed to legislate, and their legislation should be valid. If I am in error about this last matter, I can be corrected. I want to call attention to the fact that such was the provision of the bill recommended by the commission. That provision may not have been in the gentleman's bill. His was a bill that provided in section 10, as does the bill you now ask the House to pass, that these labor contracts should be continued in force and that penal proceedings should be continued to enforce them.

Mr. KNOX. Now, if the gentleman will allow me—I know he would not do injustice to anyone—

Mr. ROBINSON of Indiana. Surely not.

Mr. KNOX. The bill before the Committee on Territories in the last Congress was a bill reported by the commission appointed by the President, who went out to Hawaii—

Mr. ROBINSON of Indiana. A bill containing these outrageous provisions.

Mr. KNOX. A commission, the leading member of which was the distinguished gentleman from Alabama, Senator MORGAN.

Mr. ROBINSON of Indiana. Oh, excuse me, Mr. Chairman, this is not a partisan question.

Mr. KNOX. Pardon me one moment. The bill that is now before the House, which the gentleman has stated continues the penal provision for the punishment of violations of the labor laws, distinctly repeals that provision.

Mr. ROBINSON of Indiana. Section 10, which you recommended in your last report reporting this very bill now before us, says that that provision shall be continued.

Mr. KNOX. Not at all. The penal laws now in force for the enforcement of labor contracts are repealed by this bill. The trouble is that the gentleman has not read the bill.

Mr. ROBINSON of Indiana. Another provision of the bill of which the gentleman has spoken, and which he now gives as the reason why he kept that labor law from being considered, was a provision providing that the supreme court of Hawaii should pass upon the election returns and qualifications of the members of the senate and house of Hawaii.

Mr. KNOX. That is not in this bill.

Mr. ROBINSON of Indiana. No; but it was in the one which you were seeking to pass, and which you urged the passage of as the reason for objecting to this labor legislation against importations.

Mr. KNOX. That was in the bill originally reported. We have stricken it out.

Mr. ROBINSON of Indiana. What is the secret? The secret is that the American commissioners were hypnotized by President Dole. Motives are difficult to ascribe, but consequences are easily felt. I know not the real motives and purposes of the gentleman from Massachusetts. But few would arrogate the insubstantial ones he assumed, that it was to secure the passage of his own pet measure. His was the bill of the commission, which provided, among other things:

SEC. 10. That all obligations, contracts, rights of action, * * * prosecutions, and judgments existing prior to the taking effect of this act shall continue to be * * * effectual as if this act had not been passed. * * * All criminal and penal proceeding * * * shall be prosecuted to final judgment. * * *

Which is the same language as section 10 of the bill now before the House, and members have it before them and can read it.

SEC. 15. That in case any election to a seat in either house is disputed and legally contested the supreme court of the Territory of Hawaii shall be the sole judge of whether or not a legal election for such seat has been held, and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

SEC. 62 (qualification of voters for senators). * * * In addition thereto, he shall own * * * real property in the Territory of the value of not less than \$1,000. * * * or shall have actually received a money income of not less than \$300 during the year next preceding. * * *

SEC. 80. The governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the chief justice and justices of the supreme court. * * * All such officers shall hold * * * except the chief justice and justices of the supreme court, who shall hold office during good behavior.

By section 43 of the bill recommended, as shown on page 29 of this report of the Hawaiian commission, it was provided that neither house should adjourn without the consent of the other for more than three days, and that if it did so the legislative acts of the other was the law, as if passed by both. This provision does not seem to have been included in the bills presented to Congress.

The Republican party refused to pass a law in the Fifty-fifth Congress excluding contract labor in the Hawaiian Islands; refused to ingraft it on their reported resolutions in this House, and defeated the amendment in the Senate. We have islands here where people for years have gone "like the galley slave, scourged to his dungeon," for not obeying the terms of a civil contract to labor for another, into which they were induced to enter by the cupidity of navigation corporations, and into which many were induced to enter by the false hopes and the false representations held out for purposes of gain by plantation and mill owners.

On July 7, 1898, the American flag was raised over the Hawaiian Islands amid the booming of cannons and the playing of bands and while the children sang "The Star Spangled Banner, long may it wave o'er the land of the free and the home of the brave." Near that place now men are imprisoned at Oahu for violations of labor contracts, imprisoned with felons, wear stripes like robbers and thieves, are worked on the roads and in the quarries, and over the prison that entombs them is a flag floating that bears a picture of a bloodhound trailing, and this nearly two years after annexation.

You might as well cease to ring the chimes of old liberty bell, for they do not reach your Territory—the Hawaiian Islands.

This stands for the law—the labor law—of the islands. Where is the flag which should stand for law and order, for the Constitution, for the Declaration, for the law against slavery, for the law against contract labor? These people are slaves in form and in fact; their condition is a disgrace to American manhood and American statesmanship. Hear the condition that prevailed on July 27, 1899, more than a year after our flag floated over the islands. The Seattle Times has repeatedly denounced this practice, as have other influential papers on the Pacific coast. Hear it from the San Francisco Examiner in the language of a minister:

Slavery and involuntary servitude of the most degrading type exist in the Hawaiian Islands to-day as a means for the enforcement of contracts made by laborers to work on the sugar and coffee plantations. Thirty-six Galicians, subjects of the Austrian Empire, are now confined in Oahu prison, Honolulu, because they refused to comply longer with the onerous conditions imposed on them by their owners. They were convicted of "deserting contract service," and were sentenced to indefinite imprisonment. They can gain release only by buying their way out of prison or going back to the cane fields. Their tale is told by Rabbi M. S. Levy, of this city. It is one to cause anger and astonishment among those that boast that freedom lives wherever floats the American flag.

Here is the contract:

This memorandum of agreement entered into at Bremen 30th April, 1898, by and between Oahu Sugar Company, Limited, Hawaiian Islands, and the laborer Teper Yakob, now residing at Creszanow, Galicia, witnesseth: That Whereas the said laborer is desirous of going to the Hawaiian Islands, there to be employed as an agricultural laborer, and in consideration of free steerage passage to the Hawaiian Islands to be furnished to him and his wife and — of his children by the employer, the following contract has been concluded between the aforesaid parties to the said agreement:

The said employer, in consideration of the stipulations hereinafter contained to be kept and performed by the said laborer, covenants and agrees as follows:

To furnish to the said laborer and his wife and — of his children, whose names and ages are noted at the bottom of this agreement, free steerage passage, including proper food and medical attendance, from Bremerhaven to Honolulu, and also to produce proper lodgings for the said laborer and his family at Honolulu, proper transportation from Honolulu to the place where he is to be employed as an agricultural laborer.

On arrival at Honolulu the employer agrees to provide employment for the said laborer as an agricultural laborer for the full period of three years

from the date such employment actually begins, and also proper employment for the wife and grown-up children of said laborer.

The employer guarantees to the said laborer wages at the rate of \$18 for each month of twenty six days' labor performed, and to his wife and grown-up children, if they desire to work, wages as follows:

To wives and daughters 20 years old, for labor performed, wages at the rate of 40 cents per day; daughters from 18 to 20 years, 35 cents per day; daughters from 16 to 18 years, 30 cents per day; daughters from 14 to 16 years, 25 cents per day; sons from 16 to 18 years, 50 cents per day; sons from 14 to 16 years, 40 cents per day; sons from 12 to 14 years, 25 cents per day.

And besides, the laborer is to have, free of charge, for himself and family, unfurnished lodgings, also fuel and water for cooking, and medical attendance and medicine.

During the continuance of this contract the said laborer shall be free of all personal taxes. The employer guarantees to him and his family the full, equal, and perfect protection of the laws of the Hawaiian Islands, also free primary instructions in the public schools to his minor children.

The said laborer, in consideration of the stipulations hereinbefore mentioned to be kept and performed by the employer, covenants and agrees as follows:

To proceed to Honolulu by the vessel provided for him in accordance with this agreement.

On arrival at Honolulu to accept such employment as the employer may, under this contract, assign to him.

During the continuance of this contract, being the full period of three years from the date such employment actually begins, to fulfill all the conditions of this agreement and to diligently and faithfully perform all lawful and proper labor and to obey all lawful commands of the employer, his agents, or overseers, and to work during the night and rest during the day, if called upon to do so, and to work on all days which are not holidays and as such recognized by the Hawaiian government, except when said laborer may be employed on domestic service, in which case the usual and indispensable work shall be done on these days also.

A day's labor shall mean ten hours' actual work in the fields or twelve hours' actual work in the sugar factory, the hours not being continuous, but allowing the necessary time for taking food and rest. The hours of labor are counted from the moment regularly established for the departure to the work in the factory or the fields, and the laborer must not exceed the time reasonably necessary to arrive there. And twenty-six days' actual work as aforesaid shall constitute one month's labor.

In witness whereof, we have hereunto set our hands, in duplicate, at Bremen, the day and year first above written.

TEPER YACOB,
CARL MUNCHP.

These contracts are acknowledged, and across the acknowledgment of Jacob Teper is this record of conviction:

Oahu Sugar Co., Ltd., vs. Jacob Teper. Deserting contract service. Found guilty and ordered to return to work. Costs, \$3.20.

W. L. WILCOX, District Magistrate, Oahu.

HONOLULU, Nov. 11, 1898.

I have read the contract that binds these unfortunates to slavery. They are all alike. They are the same this year as they were last year and the year before, printed in three languages.

Here is the law that has governed since annexation:

SEC. 1384. If any person, lawfully bound to service, shall willfully absent himself from such service, any district magistrate, upon complaint made, under oath, may issue a warrant to apprehend such person and bring him before the said magistrate; and if the complaint shall be maintained, the magistrate shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.

SEC. 1385. If any such person shall refuse to serve for the term of his contract, his master may apply to any district magistrate where he may reside, who shall be authorized, by warrant or otherwise, to send for the person so refusing, and, if such refusal be persisted in, to commit such person to prison, there to remain at hard labor until he will consent to serve according to law; and in case such person bound as aforesaid shall have returned to the service of such master in obedience to such order of such magistrate and shall again willfully absent himself from such service without the leave of his master, such district magistrate may fine such offender for the first offense not exceeding \$5 and for the second offense not exceeding \$10, and in default of payment thereof such offender shall be imprisoned at hard labor until such fine is paid, and for every subsequent offense thereafter the offender shall be imprisoned at hard labor not exceeding three months, and at the expiration of any such imprisonment such magistrate shall order such offender to be restored to his master to serve for the remainder of such original term of service.

SEC. 1386. The magistrate's warrant or order, mentioned in section 1384, when directed to any officer or other person by name, shall authorize him to convey the offender to the place of residence of the master, although it may be in some other island of the republic.

SEC. 1387. All the costs incurred in any process against a servant shall be paid, the first instance, by the complainant, and, if the complainant shall be sustained, the master shall have judgment and execution thereof against the offending servant.

This good minister went about and raised funds to purchase the freedom of Teper, who was an Israelite.

Here is the money paid for the purchase of a slave's freedom:

HONOLULU, HAWAIIAN ISLANDS, July 3, 1899.

Received of Rev. Levy the sum of \$120 for release of contract of Jacob Teper, contract laborer for Oahu Sug. Co.

H. HACKFELD & CO., LIMITED.

But what became of the other 35 prisoners? They remained in prison till William H. Marshall, of the Sunday Volcano, denounced the infamous system, exposed that one Hackfeld was acting as consul for Austria-Hungary and at the same time for himself, and as agent for other sugar planters and mill owners.

This worthy representative of the favored Hawaiian system of slave labor, without conscientious compunctions, served in the dual capacity of agent for the slaves who came from that country and for the masters who bound them and sent them to prison. He was forced to resign, and his company—the Hackfeld Company, Limited—was finally forced to release these prisoners. Marshall, who rained fire upon these methods and the ones engaged in them, was thrown in prison on some charge to atone for his

offense, and was only able to secure his release by giving an unnatural bond, and on appeal his case stands without hope of trial, but with prospects of dismissal.

Such is the encouragement given to this odious system by those in power officially and otherwise in Hawaii, both before annexation and after it became part of the United States, and the same encouragement has been given by the same powers that be, down to this very hour.

Three distinct powers have encouraged the importation to and use of contract labor in Hawaii since annexation:

First, the navigation corporations;

Second, the plantation and mill owners, and

Third, the United States—Hawaiian officers in stations giving them opportunity to encourage it—from Sanford B. Dole down to the most minor officer.

From the third class I do not except the judiciary. For proof of these statements I refer to the report of the commission which was appointed by the resolution of annexation, and to the advance sheets of consular reports found in February, 1900, Consular Report, page 223, dated January 5, 1900, containing a report of Mr. Sewall, former minister of the United States to Hawaii, and now special agent of the United States at Honolulu, and by information from Mr. Joshua K. Brown, United States Chinese inspector at Honolulu, and from the report of the United States and Hawaii bureau of immigration, J. A. King, president, and Wray Taylor, secretary, and Charles A. Peterson, inspector of immigration, and to the decisions of Judge Frear and the other judges of all the courts.

The whole official life of Sanford B. Dole has been an indorsement of contract labor. He was one of the commissioners who made this report, and the traces of his dominant handiwork is found through its pages. The commissioners met the government officers. Dole was one. They met the nobility, the men with special privileges. Did they meet the man with the hoe? Did they meet the contract laborers? No; Commissioner Dole led them not by the disturbed waters, but the government officials led them "into the green pastures beside the still waters." If it had been otherwise, if the American members of that commission saw the contract-labor system and saw the prisons where compliance was enforced, which I can not affirm or deny, they should at once have returned to their own free-labor country and passed a law to protect labor, and to stop the thousands who have been pouring in at the command of the corporation shipowners and the masters of those islands.

What more was to be expected of the Hawaiian representatives one hat commission? President Dole's whole official life under the Hawaiian laws and under the laws of the United States has been intimately associated with contract labor. The other, Judge Frear's, career likewise has been a sanction of it even in judicial station, both as Hawaiian judge and as a judge since annexation. These two are a part of an administration under United States laws since annexation that is styled by those not in the circle as "Dole's family compact."

Another member of this "Dole family compact" is Minister of Finance S. M. Damon, who, after annexation, imported 17 Italian contract laborers via Canada, and now has those 17 Italians working as contract laborers on his estate within sight of Honolulu.

Hawaiian dispatches report that early in November President Dole received a letter from Mr. Damon containing a report of his trip to Italy, whose language he speaks, in the interest of contract-labor importations, and that his contemplated visit to Portugal was in the same interest.

Mr. Damon's connection with this slave-labor system while in official life and since annexation has been open and notorious. It will be remembered that this worthy representative of the contract-labor system and of the United States and of Hawaii last November resigned by a direct cable to President McKinley from Italy. The dispatch said, further, that his resignation was a surprise to official circles in Hawaii. It should not have been. All knew he was engaged in this labor-contract system while he was an official, and if his resignation was a surprise the surprise has no doubt abated, as, on his return, he was installed in his old position as minister of finance in Hawaii, and holds it to-day.

These were the officials of Hawaii who accompanied our American commissioners to find out from the bound how they liked contract labor. It is difficult to conceive, but the proof is patent, that the Americans were hypnotized by the Hawaiians and led away from the disagreeable facts of contract labor, cruelty to labor, child and woman contract labor, and imprisonment and stripes as a penalty for violation of terms of contracts with iron masters, all of which were but slightly touched upon in their elaborate report or passed over altogether. The report of Special Agent Sewall, while frank and open in many respects, shows an aversion to disagreeable exposures. The Hawaiian members of the commission, through the American members, press upon our attention un-American slaveholding laws suited only to the system of slavery in those islands.

I am willing to grant an amnesty to the American members of this distinguished junketing commission if it will do them any good, but can not under the proof grant them an acquittal.

In the report of the Bureau of Immigration of December, 1898, signed by Wray Taylor, our United States Hawaiian officer, we find among others the following, November 3, 1898:

Applications for 5,335 Japanese laborers were approved at this meeting, on the understanding that no more applications were to come in until April, 1899, from plantations represented at or obtaining permits at this meeting.

Mr. Sewall, who makes the report on the labor conditions of Hawaii, was formerly our minister to the islands.

[Mr. Sewall's report. Labor in Hawaii. United States Consular Reports, February, 1900.]

The purpose of the following is * * * to trace an outline and fill in just enough detail to give a correct view and intelligent idea of Hawaiian labor conditions as they exist to-day.

Contract labor, consisting of Japanese, Chinese, Portuguese, Italian, Hungarian, Hawaiian, and others, is held under contract for three years when coming direct from foreign countries under agreement, and for the same or a shorter period when contracting after a previous sojourn in this country. * * *

When contract laborers are needed from abroad, application is made to the government for permission to import laborers of the desired nationality. * * * The order to recruit them is given to immigration companies authorized by law. * * * These companies are then responsible for the delivery of the men. * * *

In obtaining European labor the planters have the benefit of the authority, forms, and official connection of the board of immigration. * * * Expenses are met by the planters in the first instance, afterwards a sum, not to exceed \$130 for each family, is paid by the government to cover recruiting expenses and passage of women and children accompanying the immigrants. In this case the immigrant contracts with the board of immigration and signs his agreement before the Hawaiian consul at the port of departure in his own country. * * * The board of immigration assigns these laborers to their several employers. * * *

The only other laborers now imported are Japanese. The companies supplying these are chartered by the Japanese Government and have their principal offices in Japan. * * *

Laborers are shipped from the recruiting offices to the immigration company, which then bears all expense and responsibility for maintenance, transportation, quarantine expense, etc., until assigned and delivered to the planter employer. In order to protect themselves against desertion, these companies exact securities in the shape of mortgage, bond, or deposit from the laborer or his friends to an amount equal to all expenses. * * *

* * * The laborers are apportioned to their several employers, signing their special contracts before an authorized Hawaiian official assisted by interpreters. * * *

* * * His photograph is taken for identification, and he is then assigned to a particular corporation. * * *

* * * Chinese, being single men, are housed in barracks with from 6 to 40 men in a room. Single Japanese are often provided for in the same way. * * *

These quarters furnish only a shelter and a place of rest. In barracks where many single men are collected a platform 6 to 8 feet wide and raised 2 feet above the floor runs the length of the building, and each man has about 3 feet in width of space for himself to sleep on. * * * Again, tiers of shelves 3 feet wide along the sides of the room, sometimes three or four tiers high, with some slight low partitions give about 3 by 6 feet for a man. * * *

Contract laborers are expected to do agricultural and mill work. * * * From the contract-labor class the carpenter, blacksmith, engineers, and sugar boilers select their assistants. * * *

* * * In a few places men have been allowed to take small pieces of land and cultivate them at their leisure. In order to do this they are compelled to work early and late, Sundays and holidays, and the mill buys the cane at a fixed rate per pound. * * *

Between one-third and one-half of the women work in the field and about the mill at the lighter kinds of labor. * * *

The number of hours is settled in the contract, being usually ten hours in the field and twelve in the factory. * * *

* * * A rising bell or whistle wakes the men at, say, 4.30 a. m. At 5.30 they are ready to proceed to the field, and at 6 o'clock the work day commences. * * *

The mill man begins at 5.30 a. m. and is relieved by the night shift at 6 p. m. * * *

* * * The contract price is now \$15 per month for oriental and \$18 for European laborers. * * * Women receive \$7.50 to \$10 per month. Only actual time spent in labor is paid for. A man receives no pay for enforced idleness, whether caused by sickness or anything else. * * *

* * * The individual presents his identifying tag and receives the amount that is to the credit of that number. * * *

* * * Men work in gangs, * * * supervised by an overseer, who directs their work, corrects mistakes, * * * stimulates the lazy. He leads them out in the morning. * * *

Force * * * is fast giving place to other methods. * * * Recourse to legal fines and imprisonment are the means used. * * *

The physician employed by a sugar corporation occupies a peculiar position with reference to his patients and his employer. It must be remembered that usually in the rush to make the progress of the work match with the season the management demands every available man among his employees, and looks with suspicious and jealous eye upon anyone who claims exemption through sickness. * * * Now it becomes the duty of the medical man to determine between the really ill and the malingering, and naturally the malingering often goes away dissatisfied. * * * Treatment is unsatisfactory and is carried out with very little aid from the patient. * * *

To take a general view of the real state of affairs one must consider that every labor camp is a busy hive. Work is going on, and work is paid for and is what the men come here for. * * *

Now, what are the hardships? The main one is compulsory work under a master. Here the law compels. At home need held the whip. They expected to work when they came; but the comparison with free men makes compulsion seem a hardship. * * * Sunday is a day for rest in most cases. * * *

* * * Let some real or fancied grievance break the monotony, and the scene changes. A tin pan is beaten noisily to alarm and summon the camp. The motley crowd gathers, generally at night. The leaders harangue their followers, and the mob, most of them ignorant of the real cause, rush off to demand redress or punish the offender. * * *

The grievance is generally an assault by the overseer upon some laborer, a fine considered unjust, a compulsion used to obtain unwilling work, or a privilege withdrawn. * * *

The question may be asked, "Why, if they are contented, do they desert?"

There are several reasons. Natural causes may render the work disagreeable and burdensome, as rain, cold, mud, and overgrowth of weeds. A severe overseer will render all discontented, and the boldest will desert. Accumulated debt is a prolific cause. * * * The prospect of getting better wages * * * entice many away from their contract master. * * *

* * * A Japanese will live on from \$4 to \$6 per month, a Chinaman from \$9 to \$11 per month, and a European, \$11 to \$13. * * *

The foregoing is a brief and unadorned statement of facts as found. * * * Plantations furnish all that the law demands, but are not carried on primarily for the purpose of elevating the laborer to the standard of Western civilization and morals any more than other corporations. * * *

I gladly give currency to the recent utterance of Senator MORGAN, one of the Hawaiian commission:

We extend over those islands the laws and Constitution of the United States in full force, so that there is not a shred of a contract left standing in Hawaii if it is opposed to the laws of the United States.

*But contracts have been made since, and the amendment of the Senator from Massachusetts, I believe, invalidates those contracts. That amendment in its present form is an outrage upon the Constitution of the United States, for the reason that men have made contracts in Hawaii with companies in Japan for the purpose of importing labor. Those contracts can not be, or ought not to be, invalidated by any act of Congress. * * * How can we afford to say that contracts which were valid, made since the 12th day of August, 1893, shall be made invalid by the operation of positive law? * * **

We are cutting into them in such a way as would be utterly disastrous if we had any power to do it. We are merely raising questions that we have no power to enforce, for I take it that, after all, the Supreme Court of the United States, when it comes to sound this question to the bottom, will hold that the Constitution of the United States operates as a prohibition upon Congress to invalidate any contract that was valid at the time it was made. I think so.

Does the Constitution of the United States govern the Hawaiian Islands? Does it cover our whole land, or are we part free, part slave—slavery sickled over with the pale cast of words of interpretation? If the Constitution governs in the islands, then strike these contracts down as unconstitutional. Does the Hawaiian constitution, adopted on July 3, 1894, govern. Then strike them down as contrary to it, for it provides that neither slavery nor involuntary servitude shall exist except for crime. * * *

If neither govern, then strike them down as un-American, as against public policy, as inhuman. You need not search for causes in the codes of law, morality, humanity. Compel the courts to enforce the law, a custom that has not been followed for many years. * * *

Will you take refuge from your duty by the provision in the American Constitution that no law shall be passed impairing the obligation of contracts? But here is a contract against the thirteenth amendment, which provides that involuntary servitude shall not exist in the United States nor in any of the Territories subject to its jurisdiction. * * *

This confronts you if the Constitution prevails; and if it does not, then it does not protect these labor contracts, and you have the original right of governing in all things, past, present, and future, by the right of acquiring. * * *

You struck down all treaty rights of Hawaii with other nations and substituted your own. Will you now save its slave-dom? Do your duty and sweep away a plague more dreadful than the leprosy among those 1,200 people on one of our Hawaiian Islands; more dreadful than the bubonic plague that has swept so many from the face of that country. * * *

Was this refusal to pass a law prohibiting contract labor in Hawaii in last Congress, and so far in this Congress, by the ruling party caused by a doubt whether the Constitution shall prevail over our country—over our territory? Are you doubtful whether the flag represents freedom, the Declaration, the Constitution, and free labor? * * *

Do you hesitate, and will you write in words in the Constitution, in our statutes, in our Supreme Court decisions, that will make the words "United States" mean less than our whole country? * * *

If you do this, labor will rise up to plague you, to haunt you, to defeat you. Will our Constitution be the constitution of those islands; of those contract laborers? I do not know; you do not know; no one knows. Such is the chaotic condition created by a departure from our traditions. * * *

Let me describe this contract-labor system in the Hawaiian Islands. It is cheaper and more profitable to the landlords and mill owners than free labor; and as it is encouraged in every form, it unfortunately exists and shuts out American labor. * * *

If a corporation—mill or plantation—wants men, its agent applies to the government for laborers, and the board of immigration, a government department, then makes application through a Japanese immigration company, that, under the regulations and officialdom, has a monopoly, the plantation advancing the money and the laborer signing a contract to the shipping company, which contract is transferable, and thereafter is transferred to the corporations purchasing the laborers. The usual term of the contract is three years, but thousands have been rushed in since the United States controlled the islands whose contracts run from three to five years. * * *

On arrival they are photographed, and a brass tag completes their badge of identification, their badge of slavery, and they are taken out to the plantation—laborers, indeed. * * *

Shades of Kossuth, Washington, and Lincoln, behold the slavery under the American Constitution, beneath the American flag!

On the plantations of from 5,000 to 10,000 acres, with from 500 to 1,200 laborers on each, are lumas, or, as commonly called there, "slave drivers." A luma is over from 40 to 100 contract laborers, and he stands over them with a long or loaded whip, docks them, when it suits his fancy, a quarter or a half day, and drives them back and forth to work. A whistle is carried to summon other lumas to subdue refractory spirits.

If any of the laborers grow refractory at the conduct of the drivers and revolt, the manager telephones some miles to the local attorney, who then swears to an affidavit (invokes the sacred law to enforce slavery) charging the laborers with disobedience, and officers are sent to seize and bind them and drag them into court, before a judge appointed and not elected, and who is a part of the anti-labor Dole combine.

These men, singly or in bunches of scores, sometimes are driven into what is called a court and fined and costed, for the first offense, \$3.50 to \$4.50; the second, \$3.50, and the third may be imprisonment not exceeding ninety days. The date of conviction, penalty, and amount of fine and cost is written across the contract of labor by this court, not of record nor of justice, and the laborer is ordered to return to work. If he complies, the amount of fine and costs is deducted from his monthly wages; and if he refuses, he boards it out in prison at 50 cents a day at hard labor.

In these prisons on American soil, like on the boat that brought them over, they are crowded into rooms with ten or fifteen in a department, wearing stripes like criminals.

If any man can read these conditions without his heart revolting I question whether his heart is human.

Of course the people over there in that part of our country are unhappy and unfortunate; all are unfortunate—the master, the slave, the free—all, all are unfortunate, for the bubonic plague is upon them.

Those who are not suffering are fleeing in mind and in body from its ravages and deaths. What is the condition of these 40,000 contract laborers, what their plight in this misfortune in that part of our country? What chance for charity will they stand either in indulgence or in money from the exorbitant masters of the Hawaiian islands, who, paying their managers from \$7,000 to \$12,000 a year, are yet able to pay annual dividends of 60 per cent? What will the masters do for the contract laborers during this plague? They brought these laborers there who are peculiarly susceptible to this disease. Who knows but they brought this disease to the American islands? But the inquiry now is, what can be expected of men and corporations in this exigency who will countenance and continue such a system of slave labor? The masters will deduct the time that the slave suffers from it or flees from it and add the lost time to the end of the service.

The Government of this country will appropriate hundreds of thousands to quarantine the suspected, to relieve the distressed, and to bury the dead, but the masters will hold their ill-gotten gains while they add to the deaths and the fury of the disease by imprisoning in coops the slaves for violation of their civil contract.

This may be harsh treatment for the violation of a contract, but some of the prisoners told Rev. Levy last summer that prison was preferable to service under brutish and slave-driving masters and landlordism and tyranny on the plantations.

Once in a while a luma is killed, but oftener a laborer. Conflicts and personal beatings are common.

What is the price they get for submitting to this slavery? For Orientals \$15 and for Europeans \$18 a month and board and clothe themselves. Wives and daughters and sons are paid as follows: Wives and daughters 20 years old, 40 cents a day; 18 to 20 years old, 35 cents a day; 16 to 18 years old, 30 cents a day; 14 to 16 years old, 25 cents a day; sons, from 16 to 18 years old, 50 cents a day; 14 to 16 years old, 40 cents a day; 12 to 14 years old, 25 cents a day.

To show the power, and self-executing power, lodged in the hands of the masters, it only need be stated that before leaving their countries the immigration company exacts security in money or from friends that the laborer will continue his service, and the immigration company on desertion returns to the master a proportionate share of the guaranty.

The Dole official family compact and the officialdom, under the influence of the immigration and the slave mill and plantation managers, enforce these nefarious practices, and the supreme court decides that all these practices are lawful, and decides that they are not in violation of the Hawaiian constitution, that declares that involuntary servitude, except for crime, of which the party shall be duly convicted, shall not exist in the islands.

What do Americans think of such a judiciary, such officials, such a slavery?

Talk to Americans about a judiciary that supports such practices! It ought to be pulled up root and branch. Get a judiciary that knows the law and will enforce it—one that is free from the controlling influence of officers appointing and officers surrounding.

But, sir, would you expect any decency in politics or fairness

in a land that works men and women and children as slaves, imprisons them for debt, where involuntary servitude exists and flourishes? What is to be expected from a government of slave owners, slave drivers, slavery apologists?

Let us call upon the press to protect labor against such abuses, on the pulpit to denounce this crying evil, and may we not hope that Congress will crush it out now and forever and its members be held responsible to labor for a continuance of this infamous contract-labor system? [Loud applause.]

Mr. KNOX. I yield to the gentleman from Iowa [Mr. LANE] such time as he may desire.

Mr. LANE. Mr. Chairman, the islands of Puerto Rico came to us by treaty. The people of those islands accepted with joy the result of the treaty. What shall we do with them? Quibble over the Constitution or treat them honestly and equitably?

I make no pretensions to possess constitutional learning or wisdom. I have studied carefully and considerably the claims and arguments of the constitutional lawyers who have advised on this question. I have no hesitancy to accept the position that our Constitution does not extend over the island of Puerto Rico except as we by law extend it. The time has come, however, when we should declare in no uncertain terms how and to what extent the Constitution shall be extended there. We should now give those islands a civil government and formally make them a part of the United States. This done, our plain duty demands that we place these islands upon an equal footing with all other portions of the territory of the United States.

Our Constitution unquestionably contemplates this, and nowhere does it prohibit it. But outside of the question of whether Congress has or has not plenary power under the Constitution, our sense of common justice, honor, and equity demands that every portion of the United States shall be on an equality with every other portion of the United States. I understand that practically all parties, Republicans only included, but including those who favor a present tariff laid on Puerto Rico, now concede that such a measure must be temporary only, concede that the permanent plan must be equality, with no tariff on goods going into Puerto Rico from the United States or on goods coming from Puerto Rico to the United States. But this is not clearly shown by the House bill. I admit it is indirectly shown by the special provisions of section 5, which declares as follows:

This act shall be taken and held to be a provisional act in its purposes and intended to meet a pressing present need for revenue for the island of Puerto Rico, and shall not continue in force after the 1st day of March, 1902.

I feel sure and warranted in saying that a large number of those who voted in the House to establish the 15 per cent tariff were induced to do so against their own judgment and largely upon the assurance that it was only a temporary measure; that the permanent policy of the Republican party toward Puerto Rico would be equality.

If this statement is not correct, if I am mistaken in this understanding, then many members of this House have failed to express their true sentiments on this question.

If by this tariff bill it is intended to fasten upon the United States a permanent policy of a system of tariff between the United States and Puerto Rico, then it is not to be wondered at that the great mass of the people do not take to it kindly. If it is intended by this bill to fasten a permanent policy upon this country, then it is not surprising that the great newspapers all over this land daily oppose it, nor that State legislatures resolve against it. If it was intended to establish a permanent policy, it is only natural that the conscience and intelligence of the people force mass meetings all over this land against it.

In connection with this I would ask the Clerk to read a resolution adopted last week in New York, to show that this sentiment is not only throughout the middle West and the Northwest, but even down in the city of New York.

The Clerk read as follows:

ROOMS OF THE NEW YORK BOARD OF
TRADE AND TRANSPORTATION,
MAIL AND EXPRESS BUILDING, 203 BROADWAY,
New York, March 22, 1900.

At a special meeting of the New York Board of Trade and Transportation called for the purpose of considering the Puerto Rican tariff matter, and held this day, the board adopted the following resolutions, viz:

Resolved, That in the judgment of the New York Board of Trade and Transportation the policy of the United States toward the island of Puerto Rico should be definitely and immediately determined upon considerations and conditions which relate to that island alone, and that such policy so decided upon should not in any particular or degree be affected, influenced, or warped by other and different questions, conditions, and considerations which may be involved in the relations of the United States to the island of Cuba and to the Philippines.

Resolved, That the people of Puerto Rico, in the opinion of the New York Board of Trade and Transportation, are entitled by every consideration of justice, equity, and honor to the most beneficent treatment by the Government of the United States. We believe that in assuming the existing relation toward Puerto Rico this country accepted obligations which can not honorably be evaded, and that, apart from all other considerations, due regard for pledges given demand the extension to that island of free commercial intercourse with the United States and a civil form of government.

Resolved, That it will be a dishonor to the American flag which now floats over the island of Puerto Rico if by reason of any consideration unworthy of this great nation any act of ours shall impose upon the people of that island burdens less tolerant than those from which they have been released, and they shall come thereby to regard our flag as the emblem of avarice and not of liberty and happiness.

Resolved, That while giving expression to the foregoing sentiments, the New York Board of Trade and Transportation renews its expressions of confidence in the wisdom of the Administration and of Congress, and of their desire and purpose to legislate upon the interests of the island of Puerto Rico in accord with the overwhelming sentiment of the people of the United States, which, in our judgment, favors the keeping of good faith pledged by General Miles and other representatives of this Government.

Resolved, That a copy of these resolutions be forwarded to the President of the United States, and to the members of the Senate and of the House of Representatives.

Resolved, That the president be authorized to appoint a committee of five members of this board, who shall have full power to take such action as they may deem conducive to the carrying out of the views of this board as expressed in the foregoing resolutions.

A true copy.

W. H. PARSONS, *President*.

Attest:

FRANK S. GARDNER, *Secretary*.

Mr. LANE. If by this tariff bill, Mr. Chairman, it was intended to fasten upon this country a permanent policy, then I say it is only consistent that a lapse of more than four weeks since its passage and a constant discussion ever since has only intensified the people of this country against it. [Applause on the Democratic side.] This sentiment is not only one from the people who live beyond the Alleghany Mountains and upon the Mississippi River. It is not confined alone to the States of Indiana and Iowa and Illinois and Minnesota, but I see by yesterday's paper that it has broken out in the old State of Rhode Island, and I ask the Clerk to read the speech of Governor Dyer, of Rhode Island, delivered last Saturday, he being a candidate for reelection, who appreciates the sentiments of the people of his State. [Applause on the Democratic side.]

The Clerk read as follows:

DUTY OF EVERY REPUBLICAN.

I believe it is the duty of every Republican to stand up and with no uncertain sound condemn any course of procedure by Congress which brings into question the honor of the American nation toward those few people who have come under its protection.

In the very beginning of the war with Spain, when it was uncertain what the result would be so far as added territory was concerned, the United States went to Puerto Rico, it captured Puerto Rico; it made no excuse that the island had been misgoverned by Spanish rule; it made no apologies; it said the island of Puerto Rico is the gateway to the Antilles; it is the out-most sentinel to guard the approaches of that isthmian waterway between the Atlantic and the Pacific which was bound to come.

To treat these people now as if they were aliens, as if they had no rights at all, to have gone over and taken possession of their island, to set up our own government, and then to impose duties upon them just as we would upon the people of Haiti or Santo Domingo is one of the most outrageous transactions that could be thought of.

It is most encouraging that so many of the men who mold public opinion have taken the stand they have. It is not a question of constitutional right; it is a question of simple justice. Nations have moral obligations resting upon them as well as individuals.

God forbid that any people should have to say that they preferred Spanish rule and that they trusted more in Spanish honor than they did in the honor of the United States.

The Republican party has always been loyal to the principles it has enunciated. I believe there is to-day sufficient manhood in the party to stand up and not only protest against but refuse support to any men or any measures not absolutely committed to the principles of national justice and national honor.

What a spectacle it will be to European nations that this people, having been conquered by us and brought into our fold, should be treated as strangers, and taxed without reason for bringing their products into our ports! We might just as well tax the people of Block Island for the fish and farm products they send to the mainland as to tax these people of Puerto Rico for what they bring to us.

This question is one in which every Republican should be interested. I believe that before the time comes for the meeting of the national convention in Philadelphia this question will be settled, and settled with justice and honor not only to ourselves but to the people who, by every moral right, should be a part of our nation.

Mr. LANE. Mr. Chairman, this question appeals to the sentiments of the people. It arouses their judgment, justice, equity, and right. And I now warn you that whenever the standard of justice and right of any political party materially differs from the standard of the people upon any great question, the people rise in their might and that party goes down in defeat. [Applause on the Democratic side.] Therein, I say, to a large extent is to be found the safety and the perpetuity of our form of government.

Mr. Chairman, concede, if we may, that it is not the intention by this bill to establish a permanent doctrine of tariff inequality. Concede, if we may, that this legislation is purely temporary. Is it expedient? Is it wise? Leave out of the discussion all query as to its legality, as to the constitutionality of it. Is it wise? Is it expedient?

Two reasons, Mr. Chairman, have been given which it is claimed establish both the necessity for and the wisdom of the bill. What are these claims, and what do they establish? As I understand it, the first necessity suggested for the bill is the claim that to establish a civil government on an equality without a tariff of some amount will embarrass the future in relation to the Philippines. In other words, to maintain and preserve the claim that the Constitution does not extend to the Philippines, we must put a tariff of some amount on Puerto Rico; that by enacting a tariff

on Puerto Rico of 15 per cent, or any other amount, we thereby stop the Constitution from extending to the Philippines, or rather place the Republican party on record as saying that the Constitution does not extend to newly acquired possessions, such as the Philippines, except by express enactment.

Why, I would be glad to have the Constitution stop from extending to the Philippines, but it does seem to me that the passage of a plain and simple resolution from Congress directed to the Philippines would most clearly establish the position of the Republican party on this question. The people would know exactly what was said and possibly what was intended.

Let us not grind the poor Puerto Ricans with a tariff tax for two years to the tune of \$4,000,000 for the purpose of studying the Constitution with relation to the Philippines. I do not know how that method impresses you, but I would say that it was a course of study entirely too long and expensive, and the Lord only knows whether the poor Puerto Ricans would be able to stand the treatment or not. I am afraid not.

But it is suggested that the tariff bill will furnish a means to raise the constitutional questions and have the Supreme Court decide them within two years. Well, that may be true, but why go to all this trouble? When did the Constitution extend to Puerto Rico, if at all? I do not believe it ever did; but if it did extend, it did not wait till the 1st day of February, 1900. It went, if it went at all, when our military forces took possession under the Paris treaty; and if it extended at all, it has been there ever since.

During all that time and now the United States has been collecting the Dingley tariff, a law under the Constitution, and it seems to me, although I do not profess to be a constitutional lawyer, no difficulty could arise to start litigation in relation to the payment or the refusal to pay the Dingley tariff. That would bring all the light on the Constitution that the proposed bill can possibly bring. And I notice by reading the RECORD of last Saturday that the senior Senator from Indiana in his remarks stated it to be a fact that there was now pending in the courts of New York City litigation against the customs collector for over \$1,800,000, upon the ground that the Constitution extended to Puerto Rico and that the duties could not be lawfully collected.

Mr. GROSVENOR. If it will not interrupt the gentleman, will he allow me to make a suggestion there?

Mr. LANE. Yes.

Mr. GROSVENOR. There are several suits of the character suggested by the gentleman pending, but they do not and can not raise in those cases the same question that will be raised by an actual enactment of Congress affecting that Territory. This only raises the question whether or not the acquisition of Puerto Rico put an end not to the power of Congress to legislate over it, but to a law already existing, which only did have application to the ports of the United States and to goods coming from foreign territory. Therefore the real question that must affect all the island possessions must be a different one and raised in a different suit from the one that the gentleman is speaking about. That is my suggestion.

Mr. LANE. I am very thankful for the suggestion. I have heard of it before, but it seems to me that there is no question but what the proposition we want to have raised can be raised without going through the farce of laying down a tariff upon a district that belongs in and is a part of the United States. [Applause on the Democratic side.] I say, Why depart from the plain path of duty here so clearly stated by President McKinley in his message to Congress? Why depart from the plain path of duty so acceptable to the people of this country and the people of Puerto Rico? Why, let us look at the RECORD. On January 19, 1900, only a few months ago, the CONGRESSIONAL RECORD shows that the gentleman from New York, the chairman of the Ways and Means Committee [Mr. PAYNE], on this side of the House, himself introduced a "plain duty" bill, No. 6883.

That bill simply and clearly extended the customs laws and the internal-revenue laws of the United States to Puerto Rico—a bill drawn upon the plan of the "plain duty"—a bill to establish equity, and that was all. If that bill had been reported to this body, in my judgment, it would have received at that time the support of every member on this side of the House, if not on the other. Why? Because at that time it was in accord with the individual judgment of the members of this side of the House, because they believed it was right.

On February 8, only seventeen days thereafter, orders seem to have issued to "right about face." From whence or from whom those orders came the lapse of time does not seem to have made certain. The truth is, however, that then and there the policy of the Republican party was shifted, and a substitute bill reported providing for 25 per cent tax. Aye, more, that bill that was introduced as a substitute did not have any language in it or any provision in it that indicated that it was a temporary measure.

But it was drawn in such a way that it would fasten on the Republican party the permanent policy of tariff on Puerto Rico and

those other possessions. Why was this done? Why, because it had been discovered that on account of the ravages of storm last August the financial condition of the people of Puerto Rico was such that they would be unable to raise the necessary revenue by ordinary methods of taxation. Just discovered it! I say that if that be the real, true, and genuine reason for this proposed departure from the equality plan, which was the policy of the Administration and of the party up to that time, then it does not become a question of differences as to principles, but only as to methods and means.

All parties concede the present serious condition of the people in Puerto Rico. The Republican party is always alert to appreciate such conditions of the people. The Republicans of this body, and some few Democrats, responded to that condition, and willingly voted \$2,000,000 and over to aid and assist those people who rested under this dire calamity. This action was inaugurated by a special message of the President, supported loyally by his supporters in Congress and by the great mass of the people of this country. We then made no question about the constitutionality of that proposition, but saw only a plain duty, and performed it.

And so, when necessity demands it, we will do it again. But some one says you have no right to vote money from the Treasury for such a purpose. But we have the right, we have the power, and now we have the precedent, and we have the approval of the American people. And right here let me say that I believe it to be true that the necessary votes to pass the House bill were obtained by an appeal made under the financial-aid clause in the bill; that a large number were induced, against their own judgment and belief, on the principle of free trade and tariff, to yield their own judgment because of the financial distress of the people of Puerto Rico and the provision of the bill that helped them.

It is well known on this side of the Chamber, and I believe it to be equally an established fact, that had the bill to transfer the revenues collected under the Dingley law of over \$2,000,000 been known or presented first, it would have resulted in the defeat of the tariff bill and the establishment of the equality basis in the commercial transactions between Puerto Rico and the United States. I have no doubt about it.

If this be true, and I believe it is, then I am warranted in making the statement that the House bill, with all the knowledge and the facts now known, including those unknown, when voted upon does not represent the judgment and consensus of opinion of the majority of this body. I have heard many members give expressions which induced me to believe that if they had first voted to give the money collected under the Dingley tariff, over two and a half million dollars, they would not have supported the tariff bill; but having gone on record, although they concede the reason for doing so has been fully satisfied, they feel a delicacy about voting against the tariff if an opportunity offers, and it now looks very certain that it will offer within a few days, and I hope it will.

I am unable to understand this kind of philosophy. If the cause that moved me was satisfied, removed, I would at least prefer to make the correction myself, if opportunity offered, than run the chance of having my constituents correct it for me at a time that might not be convenient.

The House bill that was passed is predicated upon three necessities, according to the preamble of the bill. First, it is predicated upon the alleged necessity of raising revenue for schools; then, secondly, for roads and internal improvements; and, finally, upon the alleged necessity of the administration of their government as to funds. These are the three necessities stated in the bill.

I say, abandon now this tariff, since we voted the money to carry on their administration—two millions and a half. We all know from the statement of the Ways and Means Committee made here that that money will carry on their administration for more than eighteen months, from their own figures. Then, I say, abandon this pretext of levying a tariff tax under the alleged necessity of building schools and roads for Puerto Rico. What they demand now is not schoolhouses and roads but justice and equality. Recognize their rights by the enactment of proper legislation, and they will get their schoolhouses and roads as fast as they can use them.

The \$2,500,000 already given them will furnish ample revenue for the present administration of their government. The establishment of their just rights will build more schoolhouses and roads than the paltry revenue proposed by this tax. Establish the principle of equality and Puerto Rico will work out her own salvation.

In connection with the discussion of this question, reference has been made to the extreme tariff that burdened Puerto Rico when controlled by Spanish rule. The tariff on flour was \$4 for 200 pounds, and in addition a consumption tax of \$2.30; making \$6.30 on 200 pounds of flour. Other items were taxed in proportion.

Under Spanish régime wheat from the United States was placed at such a tariff, \$3.15, that it was forced to go to Spain to be

ground into flour and then shipped back. I heard this suggestion made, and it conveyed to my mind that Puerto Rico was so used to the Spanish imposition that it would not do to give her free trade all at once. It would be such a shock that it would be dangerous. Even the action of the President, Mr. Chairman, in suspending the tariff during the past months upon the important necessities of life in Puerto Rico is unheeded.

The President, in the exercise of his wisdom, appreciating the impoverished condition of Puerto Rico, suspended the customs tariff on flour, breadstuffs, codfish, and the staples of life to the masses of the people. But when they come to pass this bill, in the anxiety, it seems to save the Constitution, in the anxiety to give schools and roads to Puerto Rico, the House bill turns down this action of the President of the United States and allows the people to starve. Instead of recognizing their rights, instead of giving them their equality, we propose to tax their nakedness in order to raise revenue to teach their intelligence.

They say, or seem to say, that history shows these Puerto Rico people were taxed and taxed and taxed again, and under it all they were able to tax themselves besides to the amount of \$12,000,000, for the purpose of freeing their slaves; therefore, America should tax them, too.

They point in one breath to the tyrannical robbery by tariff taxation by Spain, and in the next breath they say it is a blessing to these Puerto Ricans to be taxed by America, because the amount is so small and the system so different and the cause, schools and roads, so good.

Mr. Chairman, the American people rejoice that the United States liberated Puerto Rico from Spanish tyranny. The American people accepted with joy the treaty with Spain, whereby the sovereignty over the island of Puerto Rico was ceded to the United States. The American people accepted with satisfaction the reception of the United States troops by the people of Puerto Rico. The American people accepted as a verity the declaration of President McKinley when he stated in his message in December that—

It is the plain duty of Congress to abolish all customs tariff between the United States and Puerto Rico, and give her products free access to our markets.

Mr. Chairman, with the President of the United States and on that declaration I still stand. In the name of the American people, I implore you to keep off this tariff tax. Put Puerto Rico on an equality. That is all; on an equality. Give her an opportunity to work out her own salvation, and, in my judgment, she will do it. Her people, her resources, her soil, her climate, her history, all speak in no uncertain strain that she can and will lift herself.

Besides all this, add the benefits of a free and natural trade with the people of the United States, the best market on earth. Then, stimulated as she will be with American capital, stimulated by American energy, stimulated by American brain, give her equality, and Puerto Rico will become the pride of America, the gem of the ocean. [Applause.]

Mr. McALEER. I yield twenty minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, by an interesting coincidence the ceremony of the final annexation of the Hawaiian Islands took place on August 12, 1898, the very day upon which the protocol of peace with Spain was signed. The year 1898, therefore, witnessed the acquisition by the Government of the United States of a vast extent of new territory. The Hawaiian Islands, by annexation pursuant to joint resolution of Congress, and Porto Rico and the Philippines by cession, pursuant to the treaty of peace with Spain, in that year became a part of the United States. I believe they are part and parcel of the United States, though the Republican party seems to have some doubt upon that point since its attitude in this Congress on the Porto Rican tariff. These new possessions have necessarily involved our Government in much new legislation relating to their disposition, control, and management.

It was the ambition of Sancho Panza to govern one island, but in the past two years the United States has suddenly become the governor of islands without number, containing populations of such number and such character as the founders of the Republic never dreamed could or would become a part of our territory. Cervantes says, in his celebrated history of the renowned Don Quixote, that the faithful squire, Sancho Panza, exclaimed at the termination of his governorship of the island of Baratania:

Since I became a governor and mounted upon the towers of ambition and pride a thousand miseries, a thousand toils, and four thousand disquiets have entered my soul.

I sincerely trust that the people of the United States, having acquired by annexation and cession not only the Hawaiian Islands and Porto Rico, but the numerous islands of the Philippine Archipelago, the island of Guam, and part of the Samoan Islands, may not in the future find these possessions a source of so much disquietude as did Sancho the possession of one island.

It is, indeed, Mr. Chairman, a serious condition which confronts the American people in the possession of this new territory. How we shall govern, how control, how legislate for the people of these islands, as well as for the best interests of the American people, presents to the Congress of the United States and to the Executive grave problems demanding the most careful thought and wisest statesmanship now and in the future. If the present policy of imperialism of the present Administration is to be continued, I am convinced the solution of these problems will be of many years' duration, and perhaps they may be solved only by a material departure from the principles of our republican institutions, or may lead finally to their complete overthrow and destruction.

PERMANENT RETENTION OF PHILIPPINES A GREAT PROBLEM.

In discussing the bill before the committee "to provide a government for Hawaii," I wish to discuss also briefly some phases of the pending problems submitted for our solution by the acquiring and permanent retention of our entire island territory. The question of expansion, or imperialism, whichever term gentlemen may prefer, is one that is and has been for some time past agitating the minds of the American people. It is fraught with tremendous consequences to the Republic. It is one of the issues on which the next national campaign will be fought. It is not only a question of the greatest interest to me and every American citizen, but in my humble opinion it is the most important question presented to the citizens of this country since the first shot at Sumter in 1861.

Hitherto in the history of the United States we have acquired territory contiguous to the thirteen original States, and in this manner we have expanded our territory until now the flag of the Union bears upon its field of blue forty-five stars, representative of as many sovereign States.

Beginning with the purchase of the Louisiana territory from France, by treaty of April 30, 1803, which was followed by the cession by Spain of Florida, by treaty of February 22, 1819, and by the annexation of Texas in 1845, and the cession of part of the Mexican territory as a result of the Mexican war in 1848, and by the Gadsden and Alaska purchases, the territory of the original thirteen States stretching along the Atlantic coast has been expanded to the golden shores of California and from Canada to the Gulf during the nineteenth century, now nearing its close.

But, Mr. Chairman, these Territories were adjacent and all upon the American continent, adapted to the development of a homogeneous people and a homogeneous government.

Now, however—

Says a distinguished writer—

after more than a century of continental growth and development, upon the threshold of the twentieth century, the United States of America has taken a new and radical step forward in its great national career, having added to its dominions an island empire, a large number of tropical islands situated on the opposite side of the earth and inhabited by peoples strikingly distinct from those of the great Republic of the West. This country has lifted the anchors which hitherto held it fast to the American continent, and has drifted far over the seas into the arena of colonial international relations from which it has heretofore striven to keep clear. We are thrown suddenly into the turbid maelstrom of the eastern question, with its possible partition of the ancient Empire of China among a host of land-hungry applicants.

I quote from Morris's handbook entitled "Our Island Empire."

Is it to be wondered, Mr. Chairman, that while slavery was a great issue, and while the question of union or disunion was a vital one in 1861, while legislation relating to finance and tariff and trusts appeals to the interests of the American people, this new problem involved in the possession of our new territory is absorbing the attention of all American citizens? To me, I frankly confess, sir, it is one of supreme interest; I regard it as of the highest importance; and if I speak strongly upon the question, it is because I feel its scope and its meaning, even if I may not fully comprehend its significance in all the details.

THE WAR WITH SPAIN AND FILIPINO WAR CONTRASTED.

When, on April 21, 1898, the Congress of the United States, under its constitutional power, declared war against Spain, it entered upon that war in the holy cause of liberty and humanity. By that war a new renown was added to the name of the American soldier by the gallantry displayed at El Caney, San Juan, and Santiago and to the fame of the American sailor by the victories of Dewey at Manila and Schley at Santiago Bay. [Applause.]

The declaration embodied in the joint resolution of Congress—

That the people of the island of Cuba are, and of right ought to be, free and independent. * * * That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people—

followed by the successes of our Army and Navy, won for our Government the respect and admiration of the whole world. Our entire course in regard to Cuba was consistent with the history of our past and with the traditions and practice of our Government. But hardly had the peace protocol been signed before the spirit of

greed asserted itself and tarnished the luster of our original noble declaration and purpose.

The Hawaiian Islands we have annexed by the consent of the republic of Hawaii. In the case of these islands it was peaceable annexation, by the consent of the annexed and the governed. In the case of the Philippine Islands we have forcible annexation, without the consent of the governed.

The Republican party unjustly and contrary to the Constitution proposes to tax the people of Porto Rico, who so gladly welcomed our flag to their shores, and it is proceeding to completely subjugate and forcibly annex the people of the Philippines, who have struggled for many years with Spain for freedom and who were our allies in the late war with Spain.

No sooner had the treaty been ratified than that party proceeded to make a radical departure from all the past theory and practices of our Government. It embarked upon a policy termed by some "expansion," by others "imperialism," and it entered upon a war against freedom, against human liberty, against our former allies.

WERE THE FILIPINOS OUR ALLIES?

Some question has been raised as to whether the Filipinos were our allies. The actual facts in regard to this matter are fully stated in the very able article of the Hon. WILLIAM HENRY FLEMING in the *Conservative Review* of May, 1899, from which I copy as a part of my remarks, as it contains as clear and succinct a statement as any I have seen of the official dispatches of our Government before and after the capture of Manila:

Readers of the debates appearing in the CONGRESSIONAL RECORD toward the close of the last session will be put to their wits' end to harmonize the seemingly contradictory statements contained in many of the speeches pro and con on the subject of our relations to Aguinaldo and his followers. Opponents of the Administration's policy quote freely from the letters of our consuls showing the agreements made and partly acted out with Aguinaldo. Supporters of that policy cite the dispatches from our State Department refusing to make any promises, etc. The apparent contradiction is easily explained. It is only a matter of fixing the dates of the several transactions.

In the early stages of the war with Spain our consuls and Dewey freely accepted the services of the Filipinos as our allies, knowing they were fighting for independence, of which our State Department was fully cognizant, and this course of dealing continued until reinforcements reached Dewey and our Administration conceived and began to put into gradual execution the purpose of grabbing the Philippine Islands as a prize of war. After that time our State Department began to "disapprove" and hold aloof. It was then and thus that Filipinos were transformed from friends into enemies and from patriots into rebels.

One of the earliest of these cautionary dispatches was sent to Consul-General Pratt on June 18, 1898, as follows: "Avoid unauthorized negotiations with Philippine insurgents."

Another was sent to Consul Wildman on August 6, 1898: "If you wrote Aguinaldo as reported by Hongkong correspondent Daily Mail, your action is disapproved, and you are forbidden to make pledges or discuss policies."

Again, on August 15, 1898: "Take no action respecting Aguinaldo without specific directions from this Department."

But this change of policy came too late. While no one claims that we had made any precise or technical agreement with the Filipinos, yet all must admit that our general relations to them had already become fixed by our own conduct, and no word of future caution to our consuls could absolve us from obligations previously assumed toward the Filipinos. There is abundance of proof to sustain this statement. Note, for instance, the following extract from a public speech by our Consul-General Pratt at Singapore, June 8, 1898, in response to a complimentary address from the Filipino colony at that place:

"I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey which has resulted so happily."

In a communication to the Secretary of the Navy, dated June 27, 1898, Dewey speaks for himself as follows:

"At the same time I have given him [Aguinaldo] to understand that I consider insurgents as friends, being opposed to a common enemy. He has gone to attend a meeting of insurgent leaders for the purpose of forming a civil government. Aguinaldo has acted independently of the squadron, but has kept me advised of his progress, which has been wonderful. I have allowed to pass by water recruits, arms, and ammunition, and to take such Spanish arms and ammunition from the arsenal as he needed. Have advised frequently to conduct the war humanely, which he has done invariably."

From another high authority, speaking from personal observation, we learn that for four months prior to October, 1898, "in and out of the harbor of Manila vessels passed floating the flag of the Philippine republic, saluting and being saluted by American men-of-war."

And Maj. Gen. F. V. Greene, in his testimony before the United States commissioners at Paris, said, referring to Aguinaldo and his troops:

"The United States Government has to some extent made use of them for a distinct military purpose, viz, to harass and annoy the Spanish troops, to wear them out in the trenches, to blockade Manila on the land side, and to do as much damage as possible to the Spanish Government prior to the arrival of our troops."

On July 4, 1898, just four days after the arrival of the first detachment of American troops in the Philippines, General Anderson, who was in command, addressed a letter to Aguinaldo as "commanding the Philippine forces," and, after assuring him that the United States "has entire sympathy and most friendly sentiments for the native people of the Philippine Islands," said:

"For these reasons I desire to have the most amicable relations with you and to have you and your people cooperate with us in military operations against the Spanish forces."

From August 14, 1898, when the Spanish forces at Manila surrendered, to February 4, 1899, when the actual hostilities of the American-Filipino war began, the two armies remained side by side, or more accurately, perhaps, face to face. The important question to answer is, Why did these armies come into conflict? Why should these recent allies in arms against a defeated foe turn their guns upon each other?

They would have gladly accepted our friendly assistance in preserving order and establishing a stable government, and would have welcomed an American protectorate with whatever concessions it implied. As early as April 30, 1898, Consul-General Pratt wrote our State Department as follows:

"The General [Aguinaldo] further stated that he hoped the United States

would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance."

In the proclamation of June 23, 1898, establishing the revolutionary government, it was distinctly announced that its "object is to struggle for the independence of the Philippines until all nations, including the Spanish, shall expressly recognize it, and to prepare the country so that a true republic may be established."

There never was a day when all danger of a clash between the American and the Filipino armies could not have been averted by a simple statement from our Administration that we did not intend to subjugate them, but to aid them to independence. Astute diplomats may seek to cover it up; shrewd politicians may try to turn public attention away from it; but the plain truth remains that it was our refusal to consent to the ultimate independence of the Philippines that was the cause of the conflict of arms that began at Manila on February 4, 1899.

By what standard of morality will our imperialists seek to justify our conduct toward the Filipinos? Certainly not by that highest of all codes of ethics which the Great Teacher enjoined upon his followers when he went up into the mount and spake as man never yet spake. If the standard enjoined by divine revelation be too high for human virtue, will they appeal to our own political sermon on the mount, the Declaration of Independence?

THE DUTY OF OUR GREAT REPUBLIC.

I am not disposed to make a martyr of Aguinaldo or to regard him as a second George Washington, but I do believe the facts as stated by Mr. Fleming in this article, from all my information upon this subject, are substantially correct. I do believe that Aguinaldo and his forces were of material assistance to Admiral Dewey and to the United States forces in the conquest of Spain in the Philippine Islands, and especially at the battle of Manila, and that these people are fighting for what they conceive to be their rights and their liberties, just as other people and other nations have struggled for independence in the past history of the world; just as the Boers in South Africa to-day are contending for the maintenance of their independence with Great Britain.

It has been said that these people of the Philippine Islands are in a state of insurrection. That is undoubtedly true since the ratification of the treaty with Spain and since they became a part of our Government, but it must also be remembered that for many years they have been in revolt against Spanish rule and tyranny and have been struggling for absolute independence; and it seems to me it is clearly the duty of this great Republic—"the home of the free"—either to give them independence or at least to declare its policy toward them.

I do not believe, Mr. Chairman, that by the treaty with Spain we should ever have acquired this territory, but having acquired it, I believe to hold this territory in the far Orient is fraught with far greater danger to the Republic than to give its inhabitants their independence under an American protectorate after the suppression of the existing insurrection.

The truth is, I think, all honest men know and are ready to admit that the acquisition of this territory was inspired largely by a spirit of unholy greed. From the best information I have been able to obtain upon this subject, the Paris commissioners of peace were first instructed to demand only the island of Luzon, but under the pressure of the influence of those who were actuated by a spirit of gain the Administration finally determined to purchase all these islands, and, if need be, forcibly annex them without the consent of their people, adopting that policy which was at first denounced by the President himself as "criminal aggression" and "contrary to our code of morals."

THE EXPANSION OF JEFFERSON AND IMPERIALISM OF MCKINLEY CONTRASTED.

Mr. Chairman, the discussion of this subject involves a new policy upon which the two great parties of this country have made an issue and upon which these parties have taken a position of antagonism one to the other. It is said by you, gentlemen upon the Republican side, that this is not a new question; that expansion (as you choose to term it) is in fact Democratic doctrine. It has been urged that Jefferson, one of the founders of the Democratic party, was himself an expansionist. But, Mr. Chairman, as has been well suggested by a distinguished gentleman upon this floor—

No one but a blind man ought to have any difficulty in distinguishing between the expansion of Jefferson and the imperialism of McKinley. One was the natural evolutionary growth of the Republic; the other is a foreign fungus that, if not removed, will sap the life of the Republic.

[Applause.]

It is true that Mr. Jefferson favored the acquisition by purchase of the Louisiana territory and that all the territory heretofore acquired by this Government up to the annexation of the Hawaiian Islands, excepting the Alaska purchase, was acquired under Democratic Administrations. But all this territory, as I have before endeavored to impress upon the committee, was contiguous and homogeneous. It was acquired by the consent of the people occupying it and for the purpose of making States of the Union. The facts are, according to the history of the Louisiana purchase, that territory was bought for the purpose of giving this Government control of the mouth of the Mississippi and of the commerce of that great river, and, in the language of Consul Napoleon, the

territory was sold by France to "strengthen forever the power of the United States and to give to England a maritime rival that will sooner or later humble her pride." The acquisition of this territory gave added strength to our Government. Can it be said that the acquisition of the Philippines will do as much?

Florida was acquired from Spain because, by reason of its contiguity to our territory and its commercial relations with our people, it had been for years practically a part of our country and only nominally held under Spanish rule. The great State of Texas was annexed by the voluntary consent of her people; and the acquisition of Louisiana, Florida, Texas, and California was a natural, homogeneous expansion, with a view to admission of the new territory eventually to statehood and citizenship.

The taking of these domains in the Temperate Zone, adjacent to the original thirteen States, represented genuine American expansion, because American citizens could make homes there and develop the same sturdy civilization based upon the equality of rights that existed in the older States. But our American citizens, our white race, can not make permanent homes as far down in the Tropics as the Philippine Islands, already thickly populated by an acclimated race; nor is it intended to give the Filipinos the full and equal rights of American citizens.

That our purpose has been eventually to admit all territory heretofore ceded the United States to statehood and citizenship is clearly shown by the treaties by which the Territories of Louisiana and Florida were annexed to the United States, to which I call attention. By the treaty for the cession of Louisiana in 1803 it was provided:

ART. 3. The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the full enjoyment of their liberty, property, and the religion which they profess.

In the treaty with Mexico in 1848 it is provided:

ART. 9. The Mexicans who in the Territories aforesaid shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the meantime shall be maintained and protected in the full enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

These treaties show the conclusive intent of Jefferson, Polk, and the Democratic Administrations under which we added territory to admit the new territory to all the rights of citizens.

In the treaty with Spain, however, it is provided:

ART. 9. That the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

And the policy of the present Republican Administration in regard to the territory acquired from Spain differs so materially from the policy of the Democratic Administrations as outlined in the treaties to which I have referred, that "he who runs may read."

THE POLICY OF THE PRESENT ADMINISTRATION.

The policy of the present Administration is clearly outlined to be not a policy of legitimate expansion, but one imperial or colonial in its nature, as evidenced by the Administration resolution in regard to the Philippine Islands known as the McEnery resolution, which passed the Senate of the United States on February 14, 1899, by the vote of the Administration party. This resolution is as follows:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States.

The policy of the Democratic party has been to acquire all territory for the purpose of making the same States and the inhabitants thereof citizens. But the policy of the Republican party, as outlined in the McEnery resolution, is not to make States or citizens; and if not to make States or citizens, what does that policy mean except a colonial system such as exists under the English Government to-day?

I do not believe, Mr. Chairman, we should embark upon any such policy. I do not believe either that we want these people as citizens of this government, or that they will be valuable to us even from a commercial standpoint held as colonies, even if I were in favor of a colonial system. An exaggerated impression has been created as to the benefit to American commerce, and the business of the country to be derived from the acquisition and retention of our island territory. Let us for a few moments, and very briefly, form some conception from history and the most authentic sources of what sort of territory we have acquired in Hawaii and the Philippines.

The people of the Hawaiian Islands, according to the authorities, in their present condition and as a whole, among all our new possessions, are perhaps best fitted for the representative government of a United States Territory. Even in these islands, however, it has been found necessary to restrict suffrage and safeguard by legislation their admission as a Territory.

The Hawaiian group numbers seven inhabited islands and a dozen rocky or sandy reefs and shoals, with a total population of a little over 109,000. In this estimate of population the Japanese laborers imported since the passage of the annexation resolution (about 20,000) are not included.

These islands are directly in the track of the ocean-going steamers between our western coast and China, and valuable to us for coaling stations, for their trade, and because of their proximity to our coast.

We can easily care for and protect them. A considerable part of the population, composed of the Asiatics—the Chinese and Japanese—and part Hawaiians (mixed Hawaiian and foreign blood) is undesirable; but the native Hawaiians are orderly, peaceable, intelligent, industrious, and have shown steady advancement under the influence of education and Christianity since the advent of the first missionaries from New England in 1820. In the language of the report of the Hawaiian Commission—

The free school, free church, free press, and manhood suffrage have marked their progress. The government of the islands has shown the same progressive development. For sixty years it has been administered under a written constitution. The first constitution was promulgated in 1840.

The trade of the islands with the United States, considering their size and population, is valuable and extensive. According to the best statistics, the exports of the United States to the Hawaiian Islands in 1899 amounted to more than \$10,000,000.

The imports from the Hawaiian Islands into the United States amounted in 1899 to more than \$21,000,000; and, Mr. Chairman, whether it be true, as a general proposition, that trade follows the flag, certainly in relation to Hawaii it seems to be true, and doubtless the annexation of the Hawaiian Islands will in the future be of advantage to the United States, as it already has been, by reason of this extensive trade and the character of the majority of its people.

With the Philippine Islands, however, Mr. Chairman, it is entirely different. These islands, lying as they do about 630 miles from Hongkong, in China, and about 7,000 miles from the western coast of the United States and in the far Orient, requiring as they are now doing, and will continue to do, a large standing army and navy and involving an immense expense, as well as possible foreign complications, can not eventually prove advantageous to our people.

The total number of islands in the Philippine Archipelago is unknown. According to the best authorities they have never been counted, but their estimated number ranges all the way from 600 to 2,000. It is said by Morris in his handbook:

The actual number does not probably exceed 1,200, if every barren rock be included.

The best estimate of the land area in these islands is about 115,000 square miles. Many of them are unimportant in size, mere rocks in the ocean. Several hundred are large enough to be inhabited. The largest two of the Philippine Islands, respectively the farthest north and the farthest south, are Luzon and Mindanao. As compared in area with the American States, the whole group of the Philippines, according to the best authorities, is of nearly the same extent as the New England States with New York and New Jersey added.

The population, like the number and area of the islands, is equally indefinite. According to the best statistics, the population of the group is variously estimated at from 7,000,000 to 12,000,000. The missionaries made an estimate in 1885 which showed 9,500,000.

The inhabitants of these islands belong to three distinct races, namely, the Malayan, the Indonesian, and the Negrito. The Negritos do not number to-day more than 25,000. It is stated in a recent compilation upon the Philippine Islands, made pursuant to a resolution of the distinguished Senator from Massachusetts [Mr. LODGE], Senate Document No. 171, that within a comparatively short time this race of Negritos has completely disappeared from several of the islands which it formerly inhabited.

So far as at present known, the Indonesian race is found only in the large island of Mindanao, the surface of which constitutes about one-third of the total land area of the archipelago. The remainder of the archipelago is occupied by the Malaysians, composing the great majority of the inhabitants of the Philippines. These Malaysians have intermarried with Chinese extensively, and to a limited extent with Spaniards and other Europeans.

These people, Mr. Chairman, I insist, we do not want and we should not have as an integral part of the American people. We can not and ought not to make citizens of them, and to hold them as colonies is contrary to the genius and spirit of our Government.

THE VALUE OF THE COMMERCE AND TRADE OF THE PHILIPPINES.

The value of the Philippines to us from a commercial standpoint has moreover been greatly exaggerated. In the Senate document to which I have before referred, and according to the latest and best statistics, it appears that the entire trade of these islands, including exports and imports, amounts to not more than \$30,000,000 annually.

For the year 1896 (the latest figures available) the imports from the Philippines into Great Britain, France, Germany, the United States, and other leading countries amounted to \$19,702,819. The exports to the Philippines for the same year amounted to \$9,174,093. So that, Mr. Chairman, if we were to control the entire trade of the Philippine Islands, unless it should materially increase, it would not pay one-third the expense of maintaining our Army and Navy in that quarter of the globe for the protection of our new possessions.

I will read here from the document to which I have referred the statement setting forth the imports and exports from these islands during the year 1893, showing that the value of this trade to us has been greatly exaggerated:

The following statistics in regard to the imports and exports of the Philippine Islands have been compiled from official publications of the various countries mentioned:

Countries.	Imports from Philippines.	Exports to Philippines.
Great Britain	\$6,223,426	\$2,063,598
France	1,990,297	359,796
Germany	223,720	774,928
Belgium	272,240	45,680
Spain	4,819,344	4,973,589
Japan	1,332,300	92,823
China	56,137	97,717
India	7,755	80,156
Straits Settlements	274,130	236,001
New South Wales	119,550	176,858
Victoria	180	178,370
United States	4,383,740	94,597
Total	19,702,819	9,174,093

THE VALUE OF THE CHINESE TRADE.

It is said that the Philippine Islands will form a base for our trade with the East and China and be of great value to us in opening the markets of the East. I insist, Mr. Chairman, that these same advantages might have been acquired by the treaty with Spain without the necessity of the American people assuming the burden of this large and remote territory. I insist, further, that the value of the Chinese trade has been greatly exaggerated.

In a very able speech made upon this floor some weeks ago by the distinguished gentleman from Georgia [Mr. HOWARD] the value and extent of the Chinese trade is fully outlined by him, and he clearly shows that if we were to control the entire trade of China, including that of the Philippines, it would not more than offset the expense to which the Government will be subjected by the retention of these islands. After a careful and exhaustive analysis of the trade with China and our island possessions, he remarks:

THE BALANCE SHEET AGAINST US.

What, then, does the balance sheet show? The total import and export trade of China for a year does not exceed \$250,000,000. Now, if the United States absorbed every dollar of this commerce, driving every rival from her market and every dollar of this trade was profit, how does the account stand?

For the year 1901 recommended appropriations for our Army are \$128,000,000, and for our Navy \$75,000,000, a total of \$203,000,000, taking no account of pensions incident to the Spanish and Philippine war. Add to this sum the past cost of the war, \$250,000,000, and allow for the commerce of the Philippines and Porto Rico \$30,000,000, which counts every dollar of their trade as profit, and the sheet is balanced against us by \$175,000,000.

But the Army is to be permanently increased, and the Navy is to be built to proportions commensurate with the responsibilities of our new obligations. If you double the existing Navy, which will make us then only a fourth-rate naval power, you double, at least, the present appropriation and double the present Army, and you at least double the present appropriation to \$400,000,000.

In other words, an army and navy adequate for the requirements, with the attendant increase of pensions, civil government, and unforeseen expenses, will add to the cost of running this Government \$500,000,000, or twice what it cost us in 1897, before the war with Spain, or twice as much as the aggregate of all the commerce of China, the Philippines, Porto Rico, and Hawaii, if every dollar of their commerce was with us to the exclusion of every other commercial power in the world, and if every dollar of that commerce went into the pockets of American citizens as profit.

INFLUENCE UPON MARKET FOR COTTON AND OTHER PRODUCTS.

It has been suggested by some inconsiderate people that we could have a profitable market for our cotton in the Philippines. It would be far wiser to send our coals to Newcastle. Living in a tropical climate, these people have little need for clothing and would consume very little cotton; but with industry on their part, or, what is more likely, on the part of Chinese and Japanese laborers, they can, in all probability, produce cotton of the best quality. They had produced long staple cotton until the Spanish Government stepped in and arrested the production. They can resume this product and develop it, beyond a doubt. With the Chinese and Japanese, if not with native Malay labor, they can manufacture this cotton, paying 5 or 10 cents

per day for their operatives. How would this sort of "expansion" benefit New England or South Carolina or Georgia or other States in which the manufacture of cotton goods is a profitable industry?

It is true, as has been suggested by the distinguished junior Senator from Indiana and others who have written and spoken upon this subject, that there may be vast and indefinite deposits of coal and iron ore and even of gold. The resources of the islands in these particulars are as yet unknown. But, Mr. Chairman, are we to assume for the sake of possible undeveloped resources, for the sake of a trade which, according to the statistics, has been greatly exaggerated, the burden of caring for more than 9,000,000 of alien population remote from our shores and the numerous foreign complications to which the care of these people must subject us?

"MANIFEST DESTINY."

Are we to sacrifice the principles of the Declaration of Independence to sell a few bales of cotton or a few bushels of wheat? Trade is valuable; but, purchased by the sacrifice of the principles of the Declaration of Independence and of the Farewell Address of Washington and of the Monroe doctrine, it is not worth the price.

There is a good deal of talk about "manifest destiny" in connection with the Philippines. I am one of those who believe that the hand of God is in the affairs of the world. "By Him kings reign and princes decree justice." But I do not believe the hand of God is in this business. If it is, I fear it is to discipline and teach us the dangers to our Government from an imperial or colonial policy. Mr. Chairman, some of the same people who are loudest and most persistent in the assertion that the possession of the Philippines is a "manifest destiny" are also asserting the following as good imperialist doctrine. An Administration paper asserts:

While it may seem a cold-blooded assertion, there is little more to regret in the death of 10,000 Filipinos than in the cutting down of as many pine trees in the United States. The American Indian is going the way pointed out by evolution; the Filipino must follow.

Let us be honest with ourselves and the world in this matter and admit that we are not altogether animated by humane motives, that in many respects this question with the present Administration is not one of humanity but one of profit. In the language of two of the leading papers of the country, which I quote, it is evident that it is not all a question of benevolence. A leading newspaper says editorially:

There is a good deal of nonsensical talk about humanity requiring us to keep possession of the Philippines. It is noteworthy, however, that it comes principally from those who advocate the wholesale slaughter of the Filipinos to teach them that the United States is not to be trifled with. If we retain the Philippines, we will not do so because we are animated by humane motives, but because we believe it will pay us to keep them.

The Washington Post, published at the national capital, adds:

Why not tell the truth and say, what is the fact, that we want Cuba, Porto Rico, Hawaii, and Luzon, together with any other islands in either ocean that may hereafter commend themselves to our appetite, because we believe they will add to our national strength, and because we hope they will some day become purchasers at our bargain counters? We might as well throw off the pious mask and indulge ourselves in a little honest candor. It will cost us nothing, and it may profit much. At any rate we shall have the comfort and satisfaction of being honest with ourselves and the privilege of looking into the mirror without blushing.

If we want to Christianize these people, let us accord them independence with protection and secure harbors, coaling stations, trade and commercial advantages, which they will gladly give us. Let them reimburse us the twenty millions paid Spain, and let us send the message of the cross through Christian missionaries. You can never Christianize any people under the sun by cruelty, by oppression, or by a shotgun policy. The "manifest destiny" of this great Republic, this nation blessed of God, the greatest in wealth, in contiguous area, and in population (except Great Britain, Russia, and the Chinese Empire) is to show to all the world that men are capable of self-government, that a great nation can exist without great fleets, navies, and standing armies, and that we are the friends of liberty, of humanity, of the oppressed of every race in every clime under the sun.

FOREIGN ALLIANCES—ADVICE OF THE FOUNDERS OF THE REPUBLIC.

This present policy of the Republican Administration must necessarily lead to foreign entanglements and foreign alliances—the very things against which the founders of the Republic warned us. Thomas Jefferson, one of the founders, gave utterance to these sentiments many years ago:

SEPARATED FROM FOREIGN ENTANGLEMENTS.

Separated by a wide ocean from the nations of Europe and from the political interests which entangle them, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us nor ours to disturb them. We should be most unwise indeed were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing at a distance from foreign contentions the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirous, then,

must it be in a government like ours to see its citizens adopt, individually, the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships and to embarrass and embroil us in the calamitous scenes of Europe.

The following sentiments of the Father of his Country are also applicable, it seems to me, to the present situation:

MAXIMS OF GEORGE WASHINGTON—THEY WERE UTTERED A HUNDRED YEARS AGO, BUT THEY ARE AS APPLICABLE NOW AS THEN.

Separated as we are by a world of water from other nations, we shall, if we are wise, surely avoid being drawn into the labyrinth of their politics and involved in their destructive wars.

America may think herself happy in having the Atlantic for a barrier.

THE TRUE POLICY OF AMERICA.

The great rule of conduct for us, in regard to foreign nations, is to have with them as little political connection as possible.

A SAFEGUARD OF NATURE.

Kindly separated by nature and a wide ocean from the exterminating havoc of one-quarter of the globe; too high minded to endure the degradations of others; possessing a chosen country with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and our sense of them; * * * with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens: a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvements, and shall take not from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

The following utterances apply especially at this time to the tendency toward too strong a British-American alliance:

A passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation facilitates the illusion of imaginary common interests in cases where no real common interest exists, and, infusing into one the enmities of the other, betrays the other into a participation in the quarrels and wars of the latter without inducement or justification.

WE WANT AN AMERICAN CHARACTER.

I can most religiously aver that I have no wish that is incompatible with the dignity, happiness, and true interest of the people of this country. My ardent desire is, and my aim has been, to comply strictly with all our engagements, foreign and domestic; but to keep the United States free from political connections with every other country, to see them independent of all and under the influence of none. In a word, I want an American character, that the powers of Europe may be convinced we act for ourselves and not for others. This, in my judgment, is the only way to be respected abroad and happy at home, and not, by becoming the partisans of Great Britain or France (or any other country), create dissensions, disturb the public tranquillity, and destroy, perhaps forever, the cement which binds the Union.

GUARD AGAINST FOREIGN INFLUENCE.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

Excessive partiality for one foreign nation and excessive dislike of another cause them whom they actuate to see danger only on one side, and serve to veil, and even to second, the arts of influence on the other.

ABANDONMENT OF THE MONROE DOCTRINE.

This new policy of imperialism in spirit is furthermore an abandonment of the doctrine enunciated by President Monroe in his message to Congress during his Administration, well known as the "Monroe doctrine." The exact language of this doctrine, as enunciated in the message, is as follows:

The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and security.

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the governments that have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny, by any European power, in any other light than as a manifestation of an unfriendly disposition toward the United States.

If we involve ourselves in foreign complications and the affairs of nations upon the European and Asiatic continents, necessarily we will be driven step by step from an adherence to this doctrine, enunciated by President Monroe, which has enabled us to maintain the peace of the Western Hemisphere and added to our strength among the nations of the earth.

THE COST OF IMPERIALISM.

Mr. Chairman, the cost of this present policy of the Administration, the cost of imperialism, is growing gradually greater year by year. I desire to submit, in connection with my remarks upon this subject the very carefully prepared and full, while brief, statement of the distinguished gentleman from Tennessee [Mr. RICHARDSON], made a few days ago in the House, showing the cost of imperialism—showing that we have had an annual increase

of our expenses under the policy of imperialism pursued by President McKinley of more than \$300,000,000 per annum since the Spanish war, including the appropriations for 1901:

The appropriations for 1897 were.....	\$469,499,010.41
For fiscal year ended June 30, 1898, they were.....	485,002,014.72
A total for the two years of.....	954,496,055.13
This was an average each year of.....	477,248,027.56
Now take appropriations for fiscal year 1899.....	893,231,615.55
Now take appropriations for fiscal year 1900.....	674,881,022.29
Take the estimates and appropriations for 1901.....	767,850,540.94
The total for the three years is.....	2,338,063,178.78
Or an average each year of.....	778,687,726.26
The average per year before the Spanish war was.....	477,248,027.56
Which shows an annual increase of.....	301,439,698.70

Or—

As Mr. RICHARDSON remarks—

an increase in three years over what the appropriations would have been, but for the changes from a republic to an empire, of over \$900,000,000.

Objection is made, Mr. Chairman, by those who favor the Administration policy to the use of the words "empire" and "imperialism." They cloak imperialism behind the catch phrase "expansion." I am not an anti-expansionist, but I am opposed to imperialism. And when the Republican party repudiates the doctrine, as it has done in Porto Rico, that where the flag goes the Constitution goes as well and embarks upon a colonial policy, that is imperialism pure and simple, to which I am opposed.

THE MEANING OF THE ADMINISTRATION POLICY.

To summarize, Mr. Chairman, the permanent retention of the Philippines means a total departure from the past theory and practice of our Republic for the sake of trade with these islands, China, and Asiatic countries, the advantages of which have been greatly exaggerated.

It means the subjugation and forcible annexation of our former allies.

It means not a legitimate, homogeneous expansion, but, according to the McEnery resolution, the English colonial system or a similar system.

It means that the spirit of gain and commercial greed, the lust for gold, is to override and obscure the advice and warnings of the founders of the Republic under the plea of manifest destiny.

It means foreign alliances and foreign entanglements, from which heretofore we have happily been free.

It means a practical abandonment of the spirit, if not the letter, of the Monroe doctrine, which heretofore has preserved the peace and happiness, in a large measure, of the Western Hemisphere.

If we meddle—if we interfere in the affairs of Europe and of Asia, what right have we—how can we assert that doctrine if they meddle with the affairs of the Western Continent?

The permanent retention of the Philippines means also a large standing army and a navy quadruple at least its present size, the growth of militarism, and a constantly increasing expense for maintaining our fleets and armies and our position in the Philippine Archipelago.

It means the beginning of a career of acquisition and conquest upon which other republics have entered with the same belief in their superiority and their integrity, only to find that the end was disaster and the destruction of a republican form of government.

Mr. Chairman, the President asks, Who will haul down the flag? I reply, none but the same people who alone have the right to unfold that flag over our new possessions—the free people of this great Republic.

But the people—the representatives of the people in the Congress of the United States—may and should haul it down if ever it becomes the emblem of conquest or oppression.

I trust it may never float over conquered provinces.

I trust it may never be hailed by any people in any part of our country, except in the spirit of love and reverence and loyalty, and float over them always by their free consent.

By pursuing a policy like this, by observing the admonitions of the founders of the Republic, by maintaining the integrity and spirit of our institutions, by preserving a compact territory and homogeneous people and government on this continent, free from foreign complications and possessions on the Asiatic coast, we will keep that flag, as the emblem of liberty and of a happy and free Republic, in all its pristine purity, representing the principles for which our fathers struggled and toiled in 1776, and which we should and must transmit unimpaired to our children. [Applause.]

Mr. KNOX. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. MONDELL] such time as he may desire.

Mr. MONDELL. Mr. Chairman, I congratulate the Committee on Territories on the result of its patriotic, earnest, and painstaking

efforts in connection with the bill which it now presents for the consideration of the House "for the government of the Territory of Hawaii." I congratulate the people of the new Territory on the prospect of the early passage of this bill, which will give them the long hoped for and much needed legislation as an American Territory.

I congratulate our common country on the provisions of this bill as an earnest and a promise of the wise and patriotic manner in which Congress may be depended upon to deal with the questions of government in our new possessions, as evidenced by this legislation for our first insular territory.

Fortunately for us, some of the important questions which must necessarily be met and courageously decided with reference to other insular possessions do not present themselves in the consideration of this legislation to a degree that demand any considerable departure from our Territorial legislation in the past. This fair daughter of the Republic came into the family circle, the legitimate offspring and growth of Christian, American influences, containing an educated citizenship, most of whom have had some experience in the exercise of the elective franchise.

American missionaries three-quarters of a century ago landed on the islands at an opportune moment when, by some mysterious movement in the law of racial evolution, the natives were in the process of discarding their ancient superstitions, carried to them the merciful dispensation of the gospel to succeed the cruel, barbarous reign of the Tabu.

The native Hawaiian did not escape the effect of that seemingly inexorable law of fate which attends the first contact of barbarous peoples with civilization. The missionaries were not the only white men who visited their beautiful shores, and while they brought the best features of civilization, the whaler and the adventurer brought the worst, and, unfortunately, the better influences were not powerful enough to overcome those evil influences and contaminations which led to the constant decrease in the numbers of the splendid race which Captain Cook found upon these islands. But the better influences, while not the most powerful at all times, have been the most insistently applied, with the result that the remnant of the native Hawaiian race has made notable progress in all the arts of civilization, is almost universally possessed of a fair education, and still retains the many splendid qualities which have ever characterized them.

It is to the credit of the early missionary influences that next to the unswerving loyalty and devotion to his hereditary chieftain, which has always characterized him, the Hawaiian has continuously displayed a sincere regard for and attachment to the Government and the people of the United States, while in the breasts of those of our countrymen who made these summer isles their homes there has ever burned the ardent fires of patriotic devotion to their native land, which have been transmitted to their children born and reared there, with scarcely diminished fervor, coupled with an attachment to the isles of their nativity, whose warmth can only be appreciated by those whose good fortune it is to have been brought for a brief space of time within the magic witchery of these gems of the Pacific.

Surrounded from the time of their arrival in the islands by such American influences and sentiments, it was but natural that all other immigrants to Hawaii, the dark-skinned Portuguese from the Azores as well as those from Europe, should catch some, at least, of that spirit which constantly drew the hopes of the islanders to the great Republic and which, in my opinion, was always a stronger bond of unity between native and foreign born than ever was the government which was evolved from the old feudal system and which passed by regular and generally orderly changes through successive stages of despotic, limited, and constitutional monarchy, and finally emerged by bloodless and inevitable evolution into the republic.

To the men in the island of American birth and American parentage, and not only to them, but to many others, who, through their influences, had learned to value our institutions and look to us for defense and development, the final raising of the Stars and Stripes, never more to be lowered, on August 12, 1898, above the palace of the Kamehameha's, was the consummation of a long, earnest, and unselfish effort to be brought within the protection of the banner of the free, an earnestly longed-for "coming home."

The committee in its bill provides for manhood suffrage, with an educational qualification, which will place the ballot in the hands of a great majority of male citizens, but exclude Asiatics from that privilege. This is a change in the original bill, which contained a property qualification for the voters for Senators; and in my opinion the change is a wise one. It is wise, first, that it puts all electors on an equality; and, second, because in my opinion there is no condition existent in Hawaii warranting such a departure from our former Territorial legislation as is contained in a proviso for a property qualification of electors.

It is true that some patriotic and intelligent men, both here and in the islands, consider a small property qualification necessary

for the maintenance of a safe and stable government, and I do not pretend to say that a thirty days' sojourn in the islands better qualifies me to judge on this point than those who have thorough personal knowledge of the conditions. I am, however, on general principles, opposed to a proposition to deprive those who are able to read and write and therefore inform themselves, and who have had a reasonable training by participation in or by actual contact for a considerable length of time with the institutions of self-government, of the right to exercise the elective franchise for the reason that they are not the possessors of real estate.

It is pointed out by those who desire to restrict the franchise in Hawaii that the number of Caucasians in the islands is but a fraction of the entire population, as though upon our race rested the entire responsibility of government there; and those who hold this view seem to regard the less than 10,000 native and foreign born of American, English, French, and Scandinavian parentage as the saving remnant, the leaven which must be depended upon entirely to leaven the whole lump of Hawaiian citizenship.

I should feel much discouraged about the future of the new-born Territory did I share in the views of those who imagine that its future political weal depended entirely upon this restricted contingent of her citizenship, though I am willing to admit that undoubtedly the great proportion of her leaders in all matters, for the immediate future at least, will come from these latter classes, and for the comfort of those whose faith in the future of the islands is pinned solely to its Anglo-Saxon citizenship, I wish to bear testimony to their high character and intelligence.

Almost without exception, they are people of education and refinement, of industry and force, of energy and of high ideals, and I think I can also safely say, generally, of earnest piety. The new Territory of Hawaii seems never to have been the haven of those "who left their country for their country's good." The foundation of this portion of the citizenship was the families of the first missionaries, from which has sprung and to which has been added traders, planters, professional men, and latterly a liberal sprinkling of stalwart young Americans, rich only in honest character and ambition, who have sought these shores to establish homes and build up communities.

Such is the character of the men whom we all will admit are the first line of defense, the strongest bulwark of the Territory. While all this is true, those who fail to appreciate the sterling qualities of the 18,000 representatives of the Latin race who came to these shores first as contract laborers but a few years ago from the Azores mistake greatly the character of the people upon whom they pass judgment. I know no people who in the same length of time have so much improved their conditions as have these Portuguese, and I give more credit for this to their good qualities than to any advantageous conditions which have surrounded them.

They are the best gardeners and small farmers in the islands, and their little farms are scattered over every island from Hawaii to Niihau. They are mechanics in the towns, the machinists, engineers, and teamsters on the plantations. Their little homes each with its garden spot, luxuriant with its well-tilled profusion of the products of this favored clime, are models, and their youth eagerly seek the advantages of the splendid school system there established. A people who seek education, till the soil, learn trades, and have good homes can be depended upon anywhere to maintain the institutions of free government.

But, Mr. Chairman, the new Territory which we shall create will not have to depend, for the maintenance of the institutions which by this legislation we perpetuate, rather than establish, by any means wholly upon aliens to her soil or their descendants. Her native sons of the aboriginal blood will furnish the majority and by no means the least desirable element of her electorate. These people who have been so loyal in their devotion to the government of their fathers are and will be no less loyal to the great Republic whose honored citizens they now become. It is but natural and in fact commendable in them that they clung tenaciously to the monarchy, even when it had become but a shadow of the authority of their race over the land of their birth and affections.

Let us remember that though barbarians they were not savages when the first white man's bark approached their shores. The ruins of their temples and the water courses hewed from solid rock are still eloquent reminders of their skill and industry. When the Caucasians first sighted these isles of enchantment, their kuleanas, or homesteads, in a high state of cultivation dotted the lowlands and extended high up the hillsides, made verdant by ingenious and laborious irrigation, and their cunning handicraft fashioned from the woods and fibers of the land cloths and utensils of utility and beauty; endowed by nature with splendid build and form, kindly and generous to a fault, courageous and, under proper incentive, industrious, always venturesome and seldom vicious, they possessed, even as a primitive people, many of the

virtues which other races have only attained after centuries of civilization and have now comparatively few of the vices that ordinarily characterize a primitive people's contact with civilization.

Thanks to a good school system and a laudable ambition to secure an education, illiteracy is rare among them and many members of the race have distinguished themselves in business affairs, statesmanship, and in the professions. Their young men and young women will compare favorably with the young men and young women of any race in ability and aptitude to learn, and of their grace and charm of manner our race may well take lessons. In working out the future destiny of their country they will perform an important and honored part; if I mistake not, a more important part than they performed even under their native monarchy.

The committee very wisely, in my opinion, amended the original bill by providing for the appointment of the judges of the supreme court by the President of the United States instead of by the governor of the Territory, as provided in the original bill; and I am of the opinion that the committee would have done well to have also provided for the appointment of the judges of the circuit court by the President of the United States, providing, as in the case of the judges of the supreme court, that such judges should be citizens of Hawaii.

I know of no reason why we should depart from the established custom in other Territories in this respect; in fact, I believe there are even stronger reasons why the judiciary of this new Territory should be appointed by the President than exist in connection with the appointments of this character on the mainland. I am an ardent believer in home rule, and I think under all circumstances men appointed to these positions should be citizens of the Territory, but I fear the centralization of authority which might result in leaving those appointments in the hands of the governor.

It is with somewhat of reluctance that I call attention to one amendment made by the committee in the bill, which I understand was given careful consideration, but which I believe is neither wise nor necessary. I refer to the proviso in section 73 which provides for the reference to the Secretary of the Interior of all transactions under the public-land laws, with the power to confirm, reverse, modify, suspend, or annul.

From a somewhat careful though, I admit, hurried investigation of the Hawaiian land laws and their workings, I am of the opinion that the present land laws of the Territory are better adapted to the conditions there and to accomplish the actual settlement, cultivation, and improvement of their public domain than are the land laws of the United States to-day, under the conditions existing, to bring about the same results here. I believe these land laws have been honestly and, in the main, wisely and intelligently administered, and in my opinion a people who had the wisdom to enact wise laws and who have satisfactorily administered them should be trusted to continue the administration of those laws, unhampered by a supervisory authority 5,000 miles distant, which can not, in the very nature of things, judge accurately of the equities or give proper weight to the testimony in real-estate transactions under laws and conditions essentially dissimilar from those existing here.

This legislation marks the beginning of Territorial government for insular possessions and is not necessarily a criterion for legislation for other territory, and in view of the much discussed question of a tariff for Puerto Rico it may not be out of the way in this connection to again call attention to the fact that nearly two years ago Congress legislated for these islands over which our sovereignty unquestionably extended and provided that its people should pay on goods shipped to our ports not 15 per cent or 25 per cent but 100 per cent of our tariff rates, and that our merchandise going there should pay the full rate of the Hawaiian duty, a rate which is absolutely prohibitory on many classes of our goods, and these rates are still in force and will be until this bill becomes law.

If the question is a constitutional one, how is it it did not apply to Hawaii as well as to Puerto Rico, if one of policy, and it be claimed that the tariff rate proposed for Puerto Rico is an injustice? Can it be said we owe more to Puerto Rico than to the people of these fair isles, the only people who have voluntarily brought their territory under the flag in all our history? This legislation meets the hopes and expectations, I believe, of those for whom it is to be enacted, and in my opinion is admirably suited for them. They deserve the most generous treatment at our hands, for they became freely, voluntarily, and gladly part of us and our territory. Every American citizen should rejoice that our flag waves over these beautiful islands; that here, at the meeting place of the thronging trade and commerce of the Pacific, where the Orient first meets the Occident, shall be seen of all men an object lesson of that peace, progress, and liberty which ever abides beneath the starry banner of the free. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HITT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 268) to amend the Revised Statutes of the United States, relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and the officers thereof, and the disposition of pending causes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of Connecticut, Mr. SPOONER, and Mr. BACON as the conferees on the part of the Senate.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

The committee resumed its session.

Mr. MCALEER. Mr. Chairman, I yield thirty minutes to the gentleman from Mississippi [Mr. WILLIAMS].

[Mr. WILLIAMS of Mississippi addressed the committee. See Appendix.]

Mr. KNOX. Before yielding the balance of the time, I wish to say that this side of the House has occupied very much more than their proportion of the time. Certain gentlemen on the other side who desire to speak were not able to go on on account of indisposition, so on this side we have consumed considerably more than our share of the time, and I would ask that to-morrow they be prepared to go on and use up the time until we get pretty near an equality of time consumed. I will yield the time until 5 o'clock to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL of Illinois. Mr. Chairman, during the consideration of this measure and during the consideration last week of the military appropriation bill there was a great deal of irrelevant discussion, what the play bills would call incidental diversissement. Now, this collateral debate has disclosed a tendency on the part of our Democratic friends that is full of alarming portent for the future of the Democratic party. It appears that they have been reading the newspapers. It also appears that they have been reading many papers. And furthermore, it appears that they have been reading Republican papers. Herein lies the peril to your party, for the reading of newspapers begets intelligence, and intelligence begets observation, and observation stimulates inquiry, and inquiry leads to truth, and truth and Republicanism are one and the same thing. [Laughter.]

Now, the general reading of newspapers, I insist, is un-Democratic. At any rate, it is entirely un-Jeffersonian, and I do not know that I ever heard any gentleman on the other side of the Chamber speak for any length of time without asserting, in one form or another, that he was following in the footsteps of Thomas Jefferson. In all history I know of no psychological phenomenon more extraordinary than the hypnotic influence that Jefferson now exercises, three-quarters of a century after his death. [Laughter.] Democrats still claim him as the founder of their party and their first great leader, while at the same time they disclaim every principle that he stood by in his lifetime. [Laughter.]

I have said that this reading of many papers is thoroughly un-Jeffersonian, and in proof of my assertion I want to call your attention to some expressions of Jefferson on this subject. He realized in his later years that the greatest danger of the Democratic party lay in the intelligence of the people. [Laughter.] I will read an extract from a letter of his to Nathaniel Macon, dated the 12th of January, 1819. In this letter he said:

I read no newspaper now but Ritches', and in that chiefly the advertisements, for they contain the only truths to be relied upon in a newspaper.

[Laughter.]

Now, many of the newspaper extracts that were read by my eloquent and earnest friend from Mississippi last week were in the nature of strictures upon members of the Republican party and criticisms upon their vote on what is known as the Puerto Rican bill.

Now, I submit that the reading on the part of the gentleman from Mississippi of all these newspaper editorials was un-Jeffersonian. In respect to the part of the newspaper that he read, my friend was entirely un-Jeffersonian. If he had adhered loyally to the Jeffersonian view of the value of a newspaper, he should have read the advertisements of the stockbrokers setting forth that the passage by the House of the Puerto Rican bill had depressed the price of the stocks of industrial companies; that now was the time to invest in these stocks, because the chances of the ultimate free trade with Puerto Rico and the Philippines would send all these industrial stocks booming, and great profits could be made therefrom. [Laughter.] According to Jefferson these advertisements would be true, and I am inclined to agree with him on this one

point. What do you say, my Jeffersonian friends? [Great laughter.]

But Thomas Jefferson went more into details in expressing his views respecting the value of newspapers. I read from a letter of his to John Norvell, dated June 14, 1807, and before reading it I submit that if you will give consideration to it, you will agree that the author of the Declaration of Independence, the apostle of freedom and the rights of man, held views which differ very materially from the views of those on this side of the House respecting the value of a free press:

To your request of my opinion of the manner in which a newspaper should be conducted so as to be most useful, I should answer, "By restraining it to true facts and sound principles only." Yet I fear such a paper would find few subscribers. It is a melancholy truth that a suppression of the press could not more completely deprive the nation of its benefits than is done by its abandoned prostitution to falsehood. Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this state of misinformation is known only to those who are in situations to confront facts within their knowledge with the lies of the day.

I really look with commiseration over the great body of my fellow-citizens, who, reading newspapers, live and die in the belief that they have known something of what has been passing in the world in their time; whereas the accounts they have read in newspapers are just as true a history of any other period of the world as of the present, except that the real names of the day are affixed to their fables. General facts may indeed be collected from them, such as that Europe is now at war; that Bonaparte has been a successful warrior; that he has subjected a great portion of Europe to his will, etc.; but no details can be relied on. I will add that the man who never looks into a newspaper is better informed than he who reads them, inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehoods and errors. He who reads nothing will still learn the great facts, and the details are all false.

Perhaps an editor might begin a reformation in some such way as this: Divide his paper into four chapters, heading the first "Truths;" second, "Probabilities;" third, "Possibilities;" fourth, "Lies." The first chapter would be very short, as it would contain little more than authentic papers, and information from such sources as the editor would be willing to risk his own reputation for their truth. The second would contain what, from a mature consideration of all circumstances, his judgment should conclude to be probably true. This, however, should rather contain too little than too much. The third and fourth should be professedly for those readers who would rather have lies for their money than the blank paper they would occupy.

Such an editor, too, would have to set his face against the demoralizing practice of feeding the public mind habitually on slander and the depravity of taste which this nauseous aliment induces. Defamation is becoming a necessary of life, inasmuch that a dish of tea in the morning or evening can not be digested without this stimulant. Even those who do not believe these abominations still read them with complaisance to their auditors and, instead of the abhorrence and indignation which should fill a virtuous mind, betray a secret pleasure in the possibility that some may believe them, though they do not themselves. It seems to escape them that it is not he who prints but he who pays for printing a slander who is its real author.

These thoughts on the subjects of your letter are hazarded at your request.

Now, this next sentence deserves the special attention of members of the committee, it is so thoroughly in keeping with the character of the statesman who, on the first occasion when a great constitutional question confronted the country, wrote to his friends in the Cabinet and in Congress urging them for political reasons to treat the Constitution of the United States sub silentio:

Repeated instances of the publication of what has not been intended for the public eye, and the malignity with which political enemies torture every sentence from me into meanings imagined by their own wickedness only, justify my expressing a solicitude that this hasty communication may in no wise be permitted to find its way into the public papers.

You see he even wanted this letter treated like the Constitution, sub silentio. [Great laughter.]

And so, Mr. Chairman, it appears to have been the view of the founder of the Democratic party that it would be better to suppress the newspapers than have them criticize him or his party. How different we are on this side of the House to-day. For some days—nay, for some weeks—our motives and our judgment have been criticised by the press of the country, by a portion of the press of our own party; but we simply look upon this criticism as wholesome and helpful. [Laughter.] We welcome it. It calls attention to what we have done [laughter], and it will gradually change to hearty commendation. Now it is invigorating and stimulating. [Laughter.] We believe that the freedom of the press is essential to the success of free government. We believe that the Republican party, that has been so condemned during the past few weeks, will emerge from these clouds of censure as a splendid landscape emerges from the fog, in clearer outline and in greater strength and beauty than it has ever appeared before.

And now, Mr. Chairman, in closing these few observations on the real Jeffersonian view of the press, I would like to ask a question of the gentlemen on the other side. Do you really believe all of these articles that you have read, or do you think, with Jefferson, that not only the Constitution, but the press, ought to be treated sub silentio? [Laughter.] Really and honestly now, my friends of the militant Democracy, so long as you feel compelled by political necessity to experiment with the leadership of Mr. Bryan, to surrender your judgment to his dictates, and to adopt the reactionary principles of the Chicago platform, do you not think that, out of respect to his memory, you ought to treat Thomas Jefferson, the founder of your great historic party, and everything

that he ever said sub silentio? [Laughter and applause on the Republican side.]

Mr. KNOX. Mr. Chairman, there are no more speakers, I believe, for this afternoon; and although it lacks five minutes of 5 o'clock, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts reported that the Committee of the Whole on the state of the Union, having had under consideration the Senate bill 222, had come to no resolution thereon.

Mr. KNOX. Mr. Speaker, I renew the request for unanimous consent that all gentlemen speaking on this bill have leave to extend their remarks in the RECORD.

The SPEAKER. For how many days does the gentleman propose that this privilege shall continue?

Mr. KNOX. Five days.

The SPEAKER. The gentleman from Massachusetts [Mr. KNOX] asks unanimous consent that gentlemen who have spoken or will speak upon the bill pending in Committee of the Whole on the state of the Union may have five days in which to extend their remarks in the RECORD.

Mr. RICHARDSON. It ought to be five days from the day on which the bill is voted upon.

Mr. KNOX. I have no objection to that.

The SPEAKER. Five days from the disposition of the bill. Is there objection? The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8128. An act to establish light and fog signals at Browns Point, in Puget Sound;

H. R. 7941. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901; and

H. R. 65. An act to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 739. An act for the relief of the estate of George W. Lawrance.

Mr. KNOX. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting additional claims arising from damages alleged to have been caused by United States troops in the war with Spain—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a statement from the chief of division of loans and currency submitting an estimate of appropriation for expenses of currency—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for printing and binding, Interior Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for post-office and subtreasury building at Boston, Mass.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting a communication from Mr. S. J. Barrows, United States Commissioner, International Prison Commission, submitting a report on prison systems in the United States—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 60) to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding courts therein, reported the same with amendment, accompanied by a report (No. 897); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BULL, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. J. Res. 133) to authorize the President to appoint, as an additional cadet to the Naval Academy, David Bagley, reported the same without amendment, accompanied by a report (No. 896); which said joint resolution and report were referred to the Private Calendar.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 41) to authorize the President to place Andrew Geddes on the retired list with the rank of captain, reported the same without amendment, accompanied by a report (No. 898); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLE (by request): A bill (H. R. 10380) to provide for cutting and selling timber in certain cases in the Choctaw and Chickasaw nations—to the Committee on Indian Affairs.

By Mr. PEARCE of Missouri: A bill (H. R. 10403) granting additional homestead certificates to the Missouri Home Guards—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 10404) granting pensions to enrolled militia and nonenlisted persons—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 209) directing the Secretary of the Navy to transmit to the House of Representatives copies of all orders and proclamations issued by Commander Richard Leary while acting as governor-general of Guam—to the Committee on Naval Affairs.

By Mr. GILBERT: A resolution (H. Res. 210) requesting the Secretary of Agriculture to report to the House of Representatives whether horse flesh is being canned, cured, or otherwise prepared for human food in this country; and if so, at what places and to what extent—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 10381) granting an increase of pension to G. T. Ridlon—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 10382) granting an increase of pension to James Mason, Ottawa, Kans.—to the Committee on Invalid Pensions.

By Mr. CUMMINGS (by request): A bill (H. R. 10383) authorizing the Secretary of the Navy to grant unto Charles O'Neill, an enlisted man in the United States Marine Corps, the benefit of increased pay in his enlistment of October 17, 1893—to the Committee on Naval Affairs.

By Mr. FLYNN: A bill (H. R. 10384) for the relief of Alexander McElyea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10385) for the relief of Osie Greiffenstein, a Pottawatomie Indian—to the Committee on Indian Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 10386) granting a pension to Adoniram J. Eastman—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10387) for the benefit of Henry F. Newland, executor of A. C. Newland, deceased—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 10388) to amend the military record of G. W. Rand—to the Committee on Military Affairs.

By Mr. JOY (by request): A bill (H. R. 10389) to amend the military record of Henry G. Craft—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 10390) for the relief of Alphonse Desmarc—to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 10391) to remove the charge of desertion standing against George W. Merry—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 10392) granting a pension to Eunice M. Stickle—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 10393) granting an increase of pension to Thomas Londerback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10394) granting a pension to Aaron Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10395) granting a pension to Jeremiah Hagee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10393) granting a pension to Henry C. Rowley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10397) granting an increase of pension to Francis Rule, widow of Preston C. Rule—to the Committee on Pensions.

Also, a bill (H. R. 10398) granting a pension to Stephen Malony—to the Committee on Pensions.

Also, a bill (H. R. 10399) to remove the charge of desertion standing of record against Joseph E. Martin—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10400) for the relief of David Houk—to the Committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 10401) granting a pension to Margaret E. and Joanna A. Callahan, dependent sisters of Thomas W. Callahan, late a member of Company G, Ninth New York Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 10402) for the relief of William F. Strather, deceased, Holmes County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Resolution of Tom Cox Post, No. 132, Department of Wisconsin, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BARNEY: Petition of J. Schlosser and other citizens of Kewaskum, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of the Stone Hill Wine Company, of Herman, Mo., and the Great Western Wine and Liquor Company, of St. Louis, Mo., praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

Also, petition of the St. Louis Furniture Board of Trade, in favor of House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of citizens of Berger, Mo., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petitions of J. W. Owens Post, No. 332, of Washington, Mo., and T. J. Brouster Post, No. 233, of Clayton, Mo., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the St. Louis Real Estate Exchange, in favor of abolishing the documentary stamp tax—to the Committee on Ways and Means.

Also, petition of members of the Enrolled Militia regiments of Missouri, to accompany House bill for restoration of a pension law—to the Committee on Invalid Pensions.

Also, remonstrance of St. Louis merchants, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of members of the house of delegates of St. Louis, Mo., for the reclassification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: Petition of Joseph A. Ballinger and 42 citizens of Philadelphia, Pa., for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also (by request), memorial of George McClellan and 10 other citizens of Philadelphia, Pa., in relation to the attitude of the Government of the United States toward the people of the Philippine Islands—to the Committee on Insular Affairs.

By Mr. BOUTELLE of Maine: Petition of Fred A. Allen and others, of North Dixmont, Me., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWNLOW: Petitions of Jonesboro Post, No. 35, of Jonesboro, Tenn.; Veteran Post, No. 84, Falls City, Nebr.; Chenoa Post, No. 185, Chenoa, Ill.; Renshaw Post, No. 32, of Washington, N. C., and Hathaway Post, No. 378, of Michigan, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Resolutions of R. B. Hayes Post, No. 76, and Pier Post, No. 206, Grand Army of the Republic, Department of Wisconsin, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CURTIS: Petition of J. L. Eiker, F. Schneider, and others, in favor of the bill for the retirement of Government em-

ployees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. ESCH: Petition of Lincoln Post, No. 3, Washington, D. C., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan (by request): Petition of citizens of Union City, Mich., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. HOFFECKER: Petition of the Wilmington Annual Conference of the Methodist Episcopal Church, held in Wilmington, Del., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, Soldiers' Homes, and educational institutions—to the Committee on Military Affairs.

By Mr. HOWELL: Petition of retail druggists of Perth Amboy, N. J., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of Alfred Pillsbury and 86 citizens of Menominee, Mich., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. JOY: Papers to accompany House bill to correct the military record of Henry G. Craft—to the Committee on Military Affairs.

By Mr. LACEY: Petitions of Modern Woodmen societies of Grinnell and Ottumwa, Iowa, asking amendment of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LESTER: Petition of druggists and citizens of Savannah, Ga., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. McALEER: Petition of P. C. Chandler, of Weymouth, Mass., in relation to the improvement of Boston Harbor—to the Committee on Rivers and Harbors.

Also, protest of J. W. Landenberger & Co., of Philadelphia, Pa., against the ratification of the treaty with France—to the Committee on Foreign Affairs.

Also, resolutions of the Board of Trade of Philadelphia, Pa., with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lodge 159, International Association of Machinists, of Philadelphia, Pa., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, petition of the New York Zoological Society, in favor of House bill No. 6634, for the better protection of birds—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Trades League of Philadelphia, Pa., approving the Senate amendments to the legislative bill respecting the Hydrographic Office, Navy Department—to the Committee on Appropriations.

Also, petition of J. S. & T. Elkinton, of Philadelphia, Pa., in endorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York Railroad Club, New York City, N. Y., favoring invitation to United States for international railway congress of Brussels, Belgium—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. L. Scott, adjutant-general, United States Army, Habana, Cuba, favoring Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, protest of Pasteur Vaccine Company, of Chicago, Ill., against the manufacture and distribution of blackleg vaccine by the Government—to the Committee on Agriculture.

Also, protest of the Chicago Federation of Labor, against the passage of the Grout, Tawney, or other bills to increase the tax on butterine—to the Committee on Ways and Means.

Also, petition of National Grain Growers' Association, favoring legislation on agriculture—to the Committee on Agriculture.

Also, resolution of the National Association of Retail Merchants of Illinois, held at Peoria, Ill., approving House bill No. 6246, known as the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. N. McDonald, of Philadelphia, Pa., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petitions of the Women's Press Association, Central News Company, and Philadelphia Recorder, all of Philadelphia, Pa., and H. F. McKeever, of Alma, Me., in relation to the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Berry Brothers, Vail Brothers, and Fels & Co., and resolutions of Soap Makers' Association, all of Philadelphia, Pa., favoring the enactment of the Russell bill respecting alcohol used in the arts—to the Committee on Ways and Means.

Also, petition of the University of Pennsylvania and Botanical Society of Pennsylvania, Philadelphia, Pa., urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

Also, petition of the Minnesota National Park and Forest Reserve Association and other associations, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. MAHON: Papers to accompany House bill for the relief of Alexander Everhart—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: Petition of Anna H. Ringe, of New Orleans, La., for relief—to the Committee on War Claims.

By Mr. NEVILLE: Resolution of Reno Post, No. 112, of Lexington, Nebr., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: Resolutions of Norris Post, No. 27, of Fostoria, and Rice and Criglow Post, No. 112, of Attica, Grand Army of the Republic, Department of Ohio, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of Grange No. 348, Wolcott, N. Y., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of Grange No. 348, Wolcott, N. Y., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. POWERS: Petition of Post 110, of Bristol, Vt., Grand Army of the Republic, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of citizens of Davenport, Rock Island, and Moline, Ill., in behalf of the employees of the Rock Island Arsenal, favoring the passage of House bill No. 3993—to the Committee on Claims.

Also, petition of citizens of Whiteside County, Ill., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. RAY of New York: Petition of citizens of South New Berlin, N. Y., against the sale of intoxicants in the Army—to the Committee on Military Affairs.

Also, petition of citizens of Franklin, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Tompkins County, N. Y., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RIXEY: Petition of the estate of Henry Clevenger, deceased, late of Fairfax County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Capt. James F. Lahnum and 60 members of the Indiana National Guard, Auburn, Ind., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill No. 3945, granting an increase of pension to Burdette N. Cleveland, of Fremont, Nebr.—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Resolutions of Stover Post, of Portsmouth, and Jere E. Chadwick Post, of Deerfield, N. H., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. VREELAND: Petition of the Woman's Christian Temperance Union of Lakewood, N. Y., against the sale of intoxicating liquors in the Philippines—to the Committee on Insular Affairs.

By Mr. WEEKS: Petitions of C. R. Morrison and W. H. Mann, in behalf of 360 Modern Woodmen, relative to the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WEYMOUTH: Petitions of the Woman's Christian Temperance Union and Woman's Suffrage League, of Natick, Mass., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of the Woman's Christian Temperance Union and Woman's Suffrage League, of Natick, Mass., for the passage of a bill to forbid liquor selling in canteens and in all Government buildings—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Petition of A. P. Nielsen and others, of Ovid, Idaho, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

SENATE.

WEDNESDAY, April 4, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish War or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 65) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present a petition of the Methodist Episcopal Church in the city of Vinita, Ind. T., praying that in adopting a code of laws for Hawaii a provision be inserted prohibiting the importation, manufacture, and sale of alcoholic liquors, the importation and sale of opium, and gaming. As we have passed that bill, I move that the petition lie on the table.

The motion was agreed to.

Mr. ALLEN presented a memorial of sundry citizens of Hooker County, Nebr., remonstrating against the leasing of public lands to private individuals and local corporations; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Nebraska, praying for the continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a memorial of sundry citizens representing the entire body of Christians in the United States, remonstrating against the sale of intoxicating liquors in Army canteens, and also against the importation, manufacture, and sale of intoxicating liquors in our new island possessions; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of California, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Antelope Grange, No. 100, Patrons of Husbandry, of California, praying for the extension of rural free mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Antelope Grange, No. 100, Patrons of Husbandry, of California, remonstrating against the use of shoddy in the manufacture of goods; which was referred to the Committee on Manufactures.

He also presented a memorial of Antelope Grange, No. 100, Patrons of Husbandry, of California, remonstrating against the construction of reservoirs or irrigating canals by the Government for irrigating arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Glen Ellen Grange, No. 299; Sebastopol Grange, No. 306; Tulare Grange, No. 198, and Napa Grange, No. 307, all Patrons of Husbandry, in the State of California, praying for the election of Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Glen Ellen Grange, No. 299; Tulare Grange, No. 198; Sebastopol Grange, No. 306, and Napa Grange, No. 307, all Patrons of Husbandry, in the State of California, praying for the enactment of legislation to secure protection in the use of adulterated food products; which was referred to the Committee on Manufactures.

Mr. McLAURIN presented a petition of the Cherokee Nation, praying for the payment of the sums found due them by the award of the Secretary of the Interior as authorized by the act of Congress of March 3, 1893, known as the Slade-Bender award; which was referred to the Committee on Indian Affairs.

Mr. CLARK of Montana presented a memorial of sundry citizens of Yellowstone County, Mont., remonstrating against the passage of Senate bill No. 1947, for leasing public lands in the West; which was referred to the Committee on Public Lands.